

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## ZONING BOARD OF APPEALS

Tuesday, October 20, 2015, 6:00 p.m.

### MEETING AGENDA

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

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#### PLEDGE OF ALLEGIANCE

#### CONTINUED PUBLIC HEARINGS:

- CPN-037-15 Douglas McCord, representing Sarah Genecco, owner of property at 1880 NYS Route 332, TM#55.02-1-7.100, is requesting an area variance for a commercial addition in the CC zoning district (Flowers by Stella / Wade's Markets).
- CPN-041-15 Cheney & Blair LLP, representing Summit PPX 2911 LLC, owner of property at 3400 Poplar Beach Road, TM#98.15-1-1.100, is requesting an interpretation of four individual "Notice of Violation: Order to Remedy" issued by the code enforcement officer, dated April 20, 2015.

#### NEW PUBLIC HEARINGS:

- CPN-065-15 James Vanderhoof, owner of property at 3490 Sandy Beach Drive, TM#98.15-1-56.000, is requesting area variances to construct a residential addition and an addition to a detached garage in the RLD zoning district.
- CPN-071-15 Moore, Strait, Fuller & Strickland, regarding RSM West Lake Road LLC, owner of property at 3950 County Road 16, TM#112.00-1-24.100, are requesting an interpretation of the Zoning Officer's determination dated August 3, 2015.
- CPN-073-15 Lakeside Construction, representing Ted O'Bourn, owner of property at 4095 County Road 16, TM#127.05-2-21.000, is requesting area variances to place an accessory structure (shed) on the lakeside portion of a lot in the RLD zoning district.
- CPN-077-15 Kirk Wright, representing 2418 State Route 332 LLC, owner of property at 2409 NYS Route 332, TM#56.00-2-54.000, is requesting area variances to place four building signs and a ground sign in the CC zoning district.

**CLOSED PUBLIC HEARINGS:** *None at this time*

#### BOARD BUSINESS:

1. Approval of September 15, 2015 Meeting Minutes
2. Review of Next Month's Agenda (November 17, 2015)
3. Requests for Rehearing: *None at this time*
4. Town Code Amendments: Chapter-220-37(M), Chapter 170 & 172

# 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:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 037-15**

**Applicant**

Sarah Genecco  
1880 NYS Route 332  
Canandaigua, NY 14424

**Owner**

Sarah Genecco  
1880 NYS Route 332  
Canandaigua, NY 14424

**Project Type**

Commercial  
addition -  
Flowers by  
Stella

**Project Location**

1880 NYS Route 332

**Tax Map #**

55.02-1-7.100

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a commercial building within the landscape buffer that is required between a commercial lot and a residential district? Applicant is seeking a 55' area variance in the CC 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

AYE

NAY

Abstained

David Emery

AYE

NAY

Abstained

Kelly LaVoie

AYE

NAY

Abstained

Chip Sahler

AYE

NAY

Abstained

Terence Robinson

AYE

NAY

Abstained

**REASONS/CONDITIONS:**

Not enough evidence was presented to warrant the granting of this variance. Applicant proposed installing a pad with no building constructed on it until a tenant was obtained. Board members felt the applicant could achieve the desired results within code.

Certified By: \_\_\_\_\_

Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 041-15**

**Applicant**

Cheney & Blair LLP  
40 South Main Street  
Canandaigua, NY 14424

**Owner**

Summit PPX 2911, LP  
216 Genesee Street  
Chittenango, NY 13037

**Project Type**

Interpretation  
of stop work  
orders/CEO  
Determination

**Project Location**

3400 Poplar Beach  
Road

**Tax Map #**

98.15-1-1.100

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**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested:      Shall the decision of the Code Enforcement Officer be upheld issued in Notices of Violation dated April 20, 2015 in regards to §115-11 Floodplain Development Permit.

**SEQR:**

Type I     Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Affirmed     Denied     Continued to:

See attached resolution(s)

---

**VOTING:**

Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David 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 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

**REASONS/CONDITIONS:**

See attached Findings of Fact.

Certified By: \_\_\_\_\_  
Chairman, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

**Public Hearing Opened: 10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed: 10/20/2015**

**Project: 041-15**

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Cheney & Blair LLP 40 South Main Street Canandaigua, NY 14424	Summit PPX 2911, LP 216 Genesee Street Chittenango, NY 13037	Interpretation of stop work orders/CEO Determination	3400 Poplar Beach Road	98.15-1-1.100

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested:          Shall the decision of the Code Enforcement Officer be upheld issued in Notices of Violation dated April 20, 2015 in regards to §165-7 B (2) Site Preparation Permit.

**SEQR:**

Type I     Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Affirmed     Denied     Continued to:

See attached resolution(s)

**VOTING:**

Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David 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 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

**REASONS/CONDITIONS:**

See attached Findings of Fact.

Certified By: \_\_\_\_\_  
Chairman, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 041-15**

**Applicant**

Cheney & Blair LLP  
40 South Main Street  
Canandaigua, NY 14424

**Owner**

Summit PPX 2911, LP  
216 Genesee Street  
Chittenango, NY 13037

**Project Type**

Interpretation  
of stop work  
orders/CEO  
Determination

**Project Location**

3400 Poplar Beach  
Road

**Tax Map #**

98.15-1-1.100

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**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested:          Shall the decision of the Code Enforcement Officer be upheld issued in Notices of Violation dated April 20, 2015 in regards to §220-64 Site Plan Review.

**SEQR:**

Type I     Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Affirmed     Denied     Continued to:

See attached resolution(s)

---

**VOTING:**

Bob Hilliard

AYE

NAY

Abstained

David Emery

AYE

NAY

Abstained

Kelly LaVoie

AYE

NAY

Abstained

Chip Sahler

AYE

NAY

Abstained

Terence Robinson

AYE

NAY

Abstained

**REASONS/CONDITIONS:**

See attached Findings of Fact.

Certified By: \_\_\_\_\_

Chairman, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 041-15**

**Applicant**

Cheney & Blair LLP  
40 South Main Street  
Canandaigua, NY 14424

**Owner**

Summit PPX 2911, LP  
216 Genesee Street  
Chittenango, NY 13037

**Project Type**

Interpretation  
of stop work  
orders/CEO  
Determination

**Project Location**

3400 Poplar Beach  
Road

**Tax Map #**

98.15-1-1.100

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**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

**SEQR:**

Type I     Type II

Variance/Interpretation Requested: Shall the decision of the Code Enforcement Officer be upheld issued in Notices of Violation dated April 20, 2015 in regards to §220-9A (1) – A. Preservation of natural features – No structure shall be built within 25’ of the Mean High Water Mark Elevation of Canandaigua Lake.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

**Overturned**     Denied     Continued to:

See attached resolution(s)

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**VOTING:**

Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David 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 checked="" type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained

**REASONS/CONDITIONS:**

See attached Findings of Fact.

Certified By: \_\_\_\_\_  
Chairman, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:**

**Project: 065-15**

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Project Type</u></b>	<b><u>Project Location</u></b>	<b><u>Tax Map #</u></b>
James Vanderhoof 60 Pinewood Knoll Rochester, NY 14614	James Vanderhoof 60 Pinewood Knoll Rochester, NY 14614	Residential addition & garage addition	3490 Sandy Beach Drive	98.15-1-56.000

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**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 (single family dwelling and detached garage) with a right side setback to the dwelling of 6.5' when 10' is required? A 3.5' right side setback to the dwelling is being requested in the RLD zoning district.

**SEQR:**

Unlisted  
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to: November 17, 2015

See attached resolution(s)

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**VOTING:**

David Emery	___ AYE	___ NAY	___ Abstained
Chip Sahler	___ AYE	___ NAY	___ Abstained
Kelly La Voie	___ AYE	___ NAY	___ Abstained
Bob Hilliard	___ AYE	___ NAY	___ Abstained
Terence Robinson	___ AYE	___ NAY	___ Abstained

**REASONS/CONDITIONS:**

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:**

**Project: 065-15**

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Project Type</u></b>	<b><u>Project Location</u></b>	<b><u>Tax Map #</u></b>
James Vanderhoof 60 Pinewood Knoll Rochester, NY 14614	James Vanderhoof 60 Pinewood Knoll Rochester, NY 14614	Residential addition & garage addition	3490 Sandy Beach Drive	98.15-1-56.000

---

**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 expand a pre-existing non-conformity (single family dwelling and detached garage) with a right side setback to the dwelling of 6.1' when 10' is required? A 3.9' right side setback to the dwelling is being requested in the RLD zoning district.

**SEQR:**

Unlisted  
 See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to: November 17, 2015

See attached resolution(s)

---

**VOTING:**

David Emery	___ AYE	___ NAY	___ Abstained
Chip Sahler	___ AYE	___ NAY	___ Abstained
Kelly La Voie	___ AYE	___ NAY	___ Abstained
Bob Hilliard	___ AYE	___ NAY	___ Abstained
Terence Robinson	___ AYE	___ NAY	___ Abstained

**REASONS/CONDITIONS:**

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:**

**Project: 065-15**

<b><u>Applicant</u></b>	<b><u>Owner</u></b>	<b><u>Project Type</u></b>	<b><u>Project Location</u></b>	<b><u>Tax Map #</u></b>
James Vanderhoof 60 Pinewood Knoll Rochester, NY 14614	James Vanderhoof 60 Pinewood Knoll Rochester, NY 14614	Residential addition & garage addition	3490 Sandy Beach Drive	98.15-1-56.000

---

**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 expand a pre-existing non-conformity (single family dwelling and detached garage) with a lot coverage of 33% when no more than 30% is allowed? A 3% area variance to the lot coverage is being requested in the RLD zoning district.

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to: November 17, 2015

See attached resolution(s)

---

**VOTING:**

David Emery	___ AYE	___ NAY	___ Abstained
Chip Sahler	___ AYE	___ NAY	___ Abstained
Kelly La Voie	___ AYE	___ NAY	___ Abstained
Bob Hilliard	___ AYE	___ NAY	___ Abstained
Terence Robinson	___ AYE	___ NAY	___ Abstained

**REASONS/CONDITIONS:**

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

---

**Public Hearing Opened:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 071-15**

**Applicant**

Moore, Strait, Fuller,  
Strickland  
3971 County Road 16  
Canandaigua, NY 14424

**Owner**

RSM West Lake Road  
LLC  
197 West Main Street  
Victor, NY 14564

**Project Type**

Interpretation  
- RSM  
Determination

**Project Location**

3950 County Road 16

**Tax Map #**

112.00-1-24.100

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**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested: Does the Zoning Board of Appeals uphold the decisions of the Zoning Officer in determinations dated July 27, 2015 and August 3, 2015 relating to Town Code Chapter 1, §1-17, and Chapter 174, §19 (Double Fronted Lots and Planning Board Review.)

**SEQR:**

Type I     Type II

Unlisted

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Affirmed     Denied     Continued to:

See attached resolution(s)

---

**VOTING:**

Bob Hilliard	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
David 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 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

**REASONS/CONDITIONS:**

See attached Findings of Fact.

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

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---

## Zoning Board of Appeals Decision Notification

---

**Public Hearing Opened:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 073-15**

**Applicant**

Lakeside Construction  
3801 Middle Cheshire Road  
Canandaigua, NY 14424

**Owner**

Ted O'Bourn  
4967 Hillcrest Drive  
Canandaigua, NY 14424

**Project Type**

Place  
accessory  
structure on  
lakeside of lot

**Project Location**

4095 County Road 16

**Tax Map #**

127.05-2-21.000

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**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 with a front setback of 4' when 10' is required? Applicant is requesting a 6' area variance to the front setback 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

AYE

NAY

Abstained

David Emery

AYE

NAY

Abstained

Kelly LaVoie

AYE

NAY

Abstained

Chip Sahler

AYE

NAY

Abstained

Terence Robinson

AYE

NAY

Abstained

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore, the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Any change in plans are to be submitted to the Town Development Office. Sewer permits and highway work permits are to be obtained from the Ontario County Department of Public Works prior to commencement.

Certified By: \_\_\_\_\_  
Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

# Town of Canandaigua

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## Zoning Board of Appeals Decision Notification

**Public Hearing Opened: 10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed: 10/20/2015**

**Project: 073-15**

<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Lakeside Construction 3801 Middle Cheshire Road Canandaigua, NY 14424	Ted O'Bourn 4967 Hillcrest Drive Canandaigua, NY 14424	Place accessory structure on lakeside of lot	4095 County Road 16	127.05-2-21.000

**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 with a rear setback of 7' when 15' is required? Applicant is requesting an 8' area variance to the rear setback 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
David 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 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

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore, the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Any change in plans are to be submitted to the Town Development Office. Sewer permits and highway work permits are to be obtained from the Ontario County Department of Public Works prior to commencement.

Certified By: \_\_\_\_\_

Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

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## Zoning Board of Appeals Decision Notification

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**Public Hearing Opened:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 073-15**

**Applicant**

Lakeside Construction  
3801 Middle Cheshire Road  
Canandaigua, NY 14424

**Owner**

Ted O'Bourn  
4967 Hillcrest Drive  
Canandaigua, NY 14424

**Project Type**

Place  
accessory  
structure on  
lakeside of lot

**Project Location**

4095 County Road 16

**Tax Map #**

127.05-2-21.000

---

**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 with a left setback of 5' when 10' is required? Applicant is requesting a 5' area variance to the left setback 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

AYE

NAY

Abstained

David Emery

AYE

NAY

Abstained

Kelly LaVoie

AYE

NAY

Abstained

Chip Sahler

AYE

NAY

Abstained

Terence Robinson

AYE

NAY

Abstained

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore, the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Any change in plans are to be submitted to the Town Development Office. Sewer permits and highway work permits are to be obtained from the Ontario County Department of Public Works prior to commencement.

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:10/20/2015**

**Meeting Date: 10/20/2015**

**Public Hearing Closed:10/20/2015**

**Project: 077-15**

**Applicant**

Kirk Wright  
PO Box 597  
Ontario, NY 14519

**Owner**

2418 State Route 332  
LLC  
2418 State Route 332  
LLC  
Canandaigua, NY 14424

**Project Type**

4 building  
signs, 1  
ground sign -  
Vision Nissan

**Project Location**

2409 NYS Route 332

**Tax Map #**

56.00-2-54.000

**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 place four building signs and a ground sign when only two building signs and a ground sign are permitted? Applicant is seeking a variance in the CC 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
David 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 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

**REASONS/CONDITIONS:**

Benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. This variance shall be void if construction has not commenced within one year of the date of its issuance. Approval is based on plans submitted. Any plans for additional signage must come back before the Board. Total square footage of requested signage is below total allowed by code. There is to be no illumination in base of ground sign (support structure).

Certified By: \_\_\_\_\_

Chairperson, Zoning Board of Appeals

Date: \_\_\_\_\_

*Town of Canandaigua*  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120 / Fax (585) 394-9476

**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-073-15

APPLICANT: LAKESIDE CONSTRUCTION REPRESENTING TED O’BOURN,  
4095 COUNTY ROAD 16

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, October 20, 2015. Following discussion therein, the following roll call vote was taken and recorded:

<b><u>VOTING:</u></b>	David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Bob Hilliard	<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 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 October 20, 2015 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-071-15

APPLICANT: MOORE, STRAIT, FULLER & STRICKLAND, REGARDING RSM  
WEST LAKE ROAD LLC, 3950 COUNTY ROAD 16

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 Chip Sahler at a regularly scheduled meeting of the ZBA held on Tuesday, October 20, 2015. Following discussion therein, the following roll call vote was taken and recorded:

<b><u>VOTING:</u></b>	David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Bob Hilliard	<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 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 October 20, 2015 meeting.

\_\_\_\_\_  
Cheryl Berry, Secretary of the ZBA

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**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-037-15

APPLICANT: DOUGLAS MCCORD REPRESENTING SARAH GENECCO,  
1880 NYS ROUTE 332

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 Chip Sahler at a regularly scheduled meeting of the ZBA held on Tuesday, October 20, 2015. Following discussion therein, the following roll call vote was taken and recorded:

<b><u>VOTING:</u></b>	David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Bob Hilliard	<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 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 October 20, 2015 meeting.

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Cheryl Berry, Secretary of the ZBA

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**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-077-15

APPLICANT: KIRK WRIGHT, 2409 NYS ROUTE 332

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, October 20, 2015. Following discussion therein, the following roll call vote was taken and recorded:

<b><u>VOTING:</u></b>	David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Bob Hilliard	<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 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 October 20, 2015 meeting.

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Cheryl Berry, Secretary of the ZBA

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**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance – TYPE II Action**

FILE # CPN-041-15

APPLICANT: CHENEY & BLAIR LLP REPRESENTING SUMMIT PPX 2911  
LLC, 3400 POPLAR BEACH 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 Chip Sahler and seconded by Chairman Robinson at a regularly scheduled meeting of the ZBA held on Tuesday, October 20, 2015. Following discussion therein, the following roll call vote was taken and recorded:

<b><u>VOTING:</u></b>	David Emery	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
	Bob Hilliard	<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 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 October 20, 2015 meeting.

\_\_\_\_\_  
Cheryl Berry, Secretary of the ZBA