

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

## ZONING BOARD OF APPEALS

Tuesday, August 18, 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 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).
- 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-015-15 Grove Engineering, representing Joseph & Mary Bell, owners of property at 4865/4885 County Road 16, TM#140.18-1-8.111/8.112, are requesting area variances to place a detached garage in the front yard in the RLD zoning district.
- CPN-052-15 Deborah Petrisak, owner of property at 3491 Lakeview Lane, TM#98.13-1-27.000, is requesting an area variance to place a generator in the side yard in the RLD zoning district.
- CPN-054-15 Richard & Gail Hribar, owners of property at 4332 Labrador Lane, TM#125.16-1-7.000, are requesting area variances to tear down and rebuild a single-family dwelling in the R-1-30 zoning district.

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

#### BOARD BUSINESS:

1. Approval of July 21, 2015 Meeting Minutes
2. Review of Next Month's Agenda (September 15, 2015)
3. Requests for Rehearing: *None at this time*
4. Citizen's Implementation Committee representative
5. 1-hour training with ZBA Attorney

# 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:8/18/2015**

**Meeting Date: 8/18/2015**

**Public Hearing Closed:8/18/2015**

**Project: 015-15**

**Applicant**

Grove Engineering  
8677 State Route 53  
Naples, NY 14512

**Owner**

Joseph & Mary Bell  
4885 County Road 16  
Canandaigua, NY 14424

**Project Type**

Re-locate  
detached  
garage

**Project Location**

4865 County Road 16

**Tax Map #**

140.18-1-8.111

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to relocate a detached garage with a front setback of 60' when 142.2' are required. Applicant is requesting a 82.2' 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:**

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

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 3, July 30, and August 3, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood.

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:** 7/21/2015

**Public Hearing Closed:**

**Project:** 037-15

<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>
Sarah Genecco 1880 NYS Route 332 Canandaigua, NY 14424	Sarah Genecco 1880 NYS Route 332 Canandaigua, NY 14424	Commercial addition - Flowers by Stella	1880 NYS Route 332	55.02-1-7.100

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**TYPE OF APPLICATION:**

**SEQR:**

Variance/Interpretation Requested:  Area Variance     Use Variance     Type I     Type II  
 Interpretation     Rehearing

Unlisted

Variance/Interpretation Requested: Shall the applicant be granted an area variance to construct a commercial addition with a front setback to NYS Route 332 of 94.4' when 150' is required. Applicant is requesting a 55.6' area variance to the front setback in the CC zoning district.

See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

Granted     Denied     Continued to: September 15, 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: \_\_\_\_\_  
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: 8/18/2015**

**Public Hearing Closed:**

**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: Does the Zoning Board of Appeals uphold the determination and Stop Work Orders of the Code Enforcement Officer in regards to work at 3400 Poplar Beach Road. A determination was made 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: September 15, 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

**Public Hearing Opened:8/18/2015**

**Meeting Date: 8/18/2015**

**Public Hearing Closed:8/18/2015**

**Project: 052-15**

<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>
Deborah Petrisak 3491 Lakeview Lane Canandaigua, NY 14424	Deborah Petrisak 3491 Lakeview Lane Canandaigua, NY 14424	Place generator near property line	3491 Lakeview Lane	98.13-1-27.000

**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 an accessory structure (standby generator) with a right side setback of 6.67' when 8' is required? Applicant is requesting a 1.33' 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:**

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

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 1, July 6, and August 6, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood.

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

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

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## Zoning Board of Appeals Decision Notification

**Public Hearing Opened:8/18/2015**

**Meeting Date: 8/18/2015**

**Public Hearing Closed:8/18/2015**

**Project: 054-15**

<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>
Gail & Richard Hribar 4332 Labrador Lane Canandaigua, NY 14424	Gail & Richard Hribar 4332 Labrador Lane Canandaigua, NY 14424	Tear down and rebuild single-family dwelling	4332 Labrador Lane	125.16-1-7.000

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuilt a single family dwelling with a front setback of 4.4' when 60' are required? Applicant is requesting a 55.6' area 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:

See attached resolution(s)

**VOTING:**

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

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 17, 28, 31, and August 6, 9, 10, 11, and 14, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood. No opposition was received regarding this application.

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

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

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## Zoning Board of Appeals Decision Notification

**Public Hearing Opened:8/18/2015**

**Meeting Date: 8/18/2015**

**Public Hearing Closed:8/18/2015**

**Project: 054-15**

<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>
Gail & Richard Hribar 4332 Labrador Lane Canandaigua, NY 14424	Gail & Richard Hribar 4332 Labrador Lane Canandaigua, NY 14424	Tear down and rebuild single-family dwelling	4332 Labrador Lane	125.16-1-7.000

**TYPE OF APPLICATION:**

Area Variance     Use Variance     Interpretation     Rehearing

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuilt a single family dwelling with a 42.7' setback to the bed of a stream carrying water at least 6 months out of the year when 100' is required? Applicant is requesting a 57.3' area 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:

See attached resolution(s)

**VOTING:**

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

**REASONS/CONDITIONS:**

The benefit to the applicant outweighs the detriment to the neighborhood, therefore the variance is granted. The Board's decision is based on information received July 17, 28, 31, and August 6, 9, 10, 11, and 14, 2015 as well as facts presented during the Public Hearing. Granting this variance is in keeping with the character of the neighborhood. Granting this variance will not have an adverse effect on the property or neighborhood. No opposition was received regarding this application.

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-015-15

APPLICANT: JOSEPH & MARY BELL, 4885 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, August 18, 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 August 18, 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-052-15

APPLICANT: DEBORAH PETRISAK, 3491 LAKEVIEW LANE

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, August 18, 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 August 18, 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-054-15

APPLICANT: GAIL & RICHARD HRIBAR, 4338 LABRADOR LANE

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, August 18, 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 August 18, 2015 meeting.

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Cheryl Berry, Secretary of the ZBA