Town of Canandaigua

5440 Routes 5 & 20 West Canandaigua, NY 14424

ZONING BOARD OF APPEALS

Tuesday, September 16, 2014, 6:00 p.m.

MEETING AGENDA

MEETING CALLED BY:	Graham Smith, Chairperson
BOARD MEMBERS:	Gary Davis, Kelly La Voie, Terence Robinson, Chip Sahler
ALTERNATE MEMBER:	One Vacancy
SECRETARY:	Cheryl Berry
STAFF MEMBERS:	Amanda Catalfamo, Development Office Douglas Finch, Director of Development Christian Nadler, Attorney
	Christian Nadler, Attorney

PLEDGE OF ALLEGIANCE

CONTINUED PUBLIC HEARINGS:

- CPN-052-14 Richard Hribar, owner of property at 4332 Labrador Lane, TM#125.16-1-7.000, is requesting an area variance to construct an accessory building (pole barn) in the R-1-30 zoning district.
- CPN-055-14 Venezia Associates, representing Michael Spoleta, owner of property at 3448 Poplar Beach Road, TM#98.15-1-16.111, is requesting area variances to tear down and reconstruct a single-family dwelling in the RLD zoning district.

NEW PUBLIC HEARINGS:

- CPN-060-14 Tim & Kara Badger, owners of property at 5955 Short Road, TM#82.00-1-12.000, are requesting an area variance to construct a detached garage in the AR-2 zoning district.
- CPN-063-14 Venezia Associates, representing David & Kathleen Crosby, owners of property at 3372 Fallbrook Park, TM#98.11-1-29.000, is requesting an area variance to expand a pre-existing non-conformity (residential structure) in the RLD zoning district.

CLOSED PUBLIC HEARINGS: None at this time

BOARD BUSINESS:

- 1. Approval of August 19, 2014 Meeting Minutes
- 2. Review of Next Month's Agenda (October 21, 2014)
- 3. Requests for Rehearing: *None at this time*
- 4. Training with attorney Chris Nadler

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: Meeting Date:					<u> </u>		
Public Hearing Closed	<u>l:</u>	Ē	<u>Project: 060-14</u>				
<u>Applicant</u> Tim & Kara Badger 5955 Short Road Canandaigua, NY 1442	<u>Owner</u> Tim & Kara Ba 5955 Short Roa 4 Canandaigua, N	ndger C nd d	Project Type Construct letached garage	<u>Tax Map #</u> 82.00-1-12.000			
TYPE OF APPLICATION	<u>v:</u>				<u>SEQR:</u>		
Area Variance	Use Variance	Interpretati	ion D Rehe	aring	T ype I	🗷 Type II	
Variance/Interpretation to construct a detached	garage with a right side	setback of 4.4	4' when 20' is	ariance	□ Unlisted		
required? Applicant is district.	requesting a 15.6' area	variance in th	ne AR-2 zoning		□ See Attached resolution(s)		
					Negative De	claration Date:	
APPLICANT REQUEST:					Positive Dec	laration Date:	
Granted Der		to:					
□ See attached resolut	ion(s)						
<u>VOTING:</u> <u>Reasons/Conditions</u>	Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	 NAY NAY NAY NAY NAY 	□A □A □A	bstained bstained bstained bstained		

Certified By: _

Chairperson, Zoning Board of Appeals

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opene	Meeting Date: 9/16/2014					
Public Hearing Closed	<u>l:</u>		Project: 060-1	<u>4</u>		
Applicant Tim & Kara Badger 5955 Short Road Canandaigua, NY 1442	<u>Owner</u> Tim & Kara B 5955 Short Ro 4 Canandaigua, T	ad	Project Type Construct detached garage	Project 5955 Sho	Location ort Road	<u>Tax Map #</u> 82.00-1-12.000
TYPE OF APPLICATION	<u>v:</u>				SEQR:	
🗷 Area Variance	□ Use Variance	□ Interpret	ation D Reh	earing	🗖 Type I	🗷 Type II
Variance/Interpretation to construct a detached		· ·	•	ariance	□ Unlisted	
Applicant is requesting	0 0 0				See Attack	hed resolution(s)
					Negative Dec	laration Date:
					Positive Decl	aration Date:
APPLICANT REQUEST:	-					
□ Granted □ Der	nied 🗖 Continued	l to:				
□ See attached resolut	ion(s)					
<u>Voting:</u>	Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE 	 NAY NAY NAY NAY NAY 		bstained bstained bstained bstained bstained	
<u>REASONS/CONDITION</u>	<u>5:</u>					

Certified By: ____

Chairperson, Zoning Board of Appeals

Date: _____

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Open	earing Opened: <u>Meeting Date: 9/16/2014</u>						
Public Hearing Close	<u>d:</u>		Project: 063-1	<u>4</u>			
<u>Applicant</u> Venezia Associates 5120 Laura Lane Canandaigua, NY 1442	OwnerDavid & KathCrosby243372 FallbrooCanandaigua,	k Park	Project Type Construct residential addition / addition to garage	Project Location 3372 Fallbrook F			
TYPE OF APPLICATIO	<u>N:</u>			SEQR:			
 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 in the RLD zoning district? 							
to expand a pre-existin	g non-comorninty in the	e KLD zonin	ig district?	□ See	Attached resolution(s)		
APPLICANT REQUEST	<u>:</u>			C	e Declaration Date:		
Granted De	nied 🗖 Continued	d to:		Positive	Declaration Date:		
□ See attached resolu	tion(s)						
<u>Voting:</u>	Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	 NAY NAY NAY NAY NAY NAY 	□Abstained □Abstained □Abstained □Abstained			
REASONS/CONDITIONS:							

Certified By: ____

Date: _____

Chairperson, Zoning Board of Appeals

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opene	<u>Copened:</u> <u>Meeting Da</u>				Date: 9/16/2014		
Public Hearing Closed	<u>l:</u>		Project: 0	<u>52-14</u>			
<u>Applicant</u> Richard Hribar 4332 Labrador Lane Canandaigua, NY 1442	<u>Owner</u> Richard Hriba 4332 Labrador 4 Canandaigua,	Lane	Project Ty Replaceme of non- conforming accessory structure	placement 4332 Labrac non- nforming cessory			<u>Tax Map #</u> 125.16-1-7.000
TYPE OF APPLICATION	<u>\:</u>				<u>S</u>	EQR:	
Area Variance	Use Variance	□ Interpret	ation 🗆	Reheari	ing 🗆	J Type I	🗷 Type II
Variance/Interpretation variance to construct an	-		-		of [U nlisted	
5.6' when 15' is require right side setback in the	d? Applicant is reque	sting an 9.4'				J See Attac	hed resolution(s)
					N	legative Dec	elaration Date:
APPLICANT REQUEST:					Р	ositive Decl	aration Date:
Granted Der		l to:					
□ See attached resolut	ion(s)						
<u>VOTING:</u>	Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	NA NA NA NA NA NA NA NA NA	AY AY AY	□Abs □Abs □Abs	stained stained stained stained stained	
REASONS/CONDITIONS	<u>3:</u>						

Certified By: __

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Chairperson, Zoning Board of Appeals

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014			Meeting Date: 9/16/2014				
Public Hearing Close	<u>d:</u>		Project: 052-1	<u>14</u>			
Applicant Richard Hribar 4332 Labrador Lane Canandaigua, NY 1442	<u>Owner</u> Richard Hrit 4332 Labrad 24 Canandaigua	or Lane			Location brador Lane	<u>Tax Map #</u> 125.16-1-7.000	
TYPE OF APPLICATIO	<u>N:</u>				SEQR:		
Area Variance	□ Use Variance		tation D Rel	nearing	Type I	🗷 Type II	
<u>Variance/Interpretation Requested:</u> Shall the applicant be granted an area variance to construct an accessory building (pole barn) with a ride side setback of							
6.5' when 15' is requir right side setback in the	** *	0	area variance to	the	□ See Attac	ched resolution(s)	
					Negative Dec	claration Date:	
APPLICANT REQUEST					Positive Decl	laration Date:	
Granted De	_	ed to:					
□ See attached resolut	tion(s)						
VOTING:	Terence Robinson				Abstained		
	Kelly LaVoie Chip Sahler	□ AYE □ AYE	□ NAY □ NAY		Abstained Abstained		
	Gary Davis	\Box AYE			Abstained		
	Graham Smith	🗖 AYE	🗖 NAY		Abstained		
REASONS/CONDITION	<u>'S:</u>						

Certified By: _

Chairperson, Zoning Board of Appeals

Date: _____

Town of Canandaigua

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014			Meeting Date: 9/16/2014				
Public Hearing Close	<u>d:</u>			Project: 052	<u>-14</u>		
Applicant Richard Hribar 4332 Labrador Lane Canandaigua, NY 1442	24	<u>Owner</u> Richard Hri 4332 Labrad Canandaigu		Project Type Replacement of non- conforming accessory structure		et Location Labrador Lane	<u>Tax Map #</u> 125.16-1-7.000
TYPE OF APPLICATIO	<u>N:</u>					SEQR:	
🗷 Area Variance	🗖 Use	e Variance	□ Interpret	ation D R	ehearing	🗖 Type I	I Type II
Variance/Interpretation variance to construct a	n access	ory building	(pole barn) wit	h a height of 1	8' when	□ Unlisted	
only 16' is allowed? <i>A</i> R-1-30 zoning district.		t is requestin	g a 2' area vari	ance to the hei	ght in the	□ See Attack	hed resolution(s)
C						Negative Dec	laration Date:
						Positive Decl	aration Date:
APPLICANT REQUEST	•						
□ Granted □ De	enied	🗖 Continu	ued to:				
□ See attached resolu	tion(s)						
VOTING:	Teren	ce Robinson	□ AYE	🗆 NAY	<i>′</i>	Abstained	
<u></u>		LaVoie	AYE			Abstained	
	Chip S		🗖 AYE	🗖 NAY		Abstained	
	Gary]					Abstained	
	Graha	m Smith	🗖 AYE	🗖 NAY		Abstained	
REASONS/CONDITION	I <u>S:</u>						

Certified By: __

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014			Meeting Date: 9/16/2014			
Public Hearing Closed	<u>l:</u>		Project: 052-	<u>-14</u>		
Applicant Richard Hribar 4332 Labrador Lane Canandaigua, NY 1442	<u>Owner</u> Richard Hriba 4332 Labrado 4 Canandaigua,	r Lane	Project Type ReplacementProject Location 4332 Labrador Laneof non- conforming accessory structure			<u>Tax Map #</u> 125.16-1-7.000
TYPE OF APPLICATION	<u>1:</u>				SEQR:	
Area Variance	Use Variance	□ Interpret	ation D Re	hearing	Type I	🗷 Type II
Variance/Interpretation variance to construct an					Unlisted	
5.8' when 15' is require side setback in the R-1-	ed? Applicant is reque				□ See Attacl	hed resolution(s)
					Negative Dec	claration Date:
APPLICANT REQUEST:					Positive Decl	aration Date:
Granted Der		1 to:				
□ See attached resolut	ion(s)					
<u>VOTING:</u>	Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	□ NAY □ NAY □ NAY □ NAY □ NAY		Abstained Abstained Abstained Abstained Abstained	
REASONS/CONDITIONS	<u>8:</u>					

Certified By: __

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Chairperson, Zoning Board of Appeals

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014

Meeting Date: 9/16/2014

Public Hearing Closed:

Applicant Venezia Associates 5120 Laura Lane Canandaigua, NY 14424 Owner Michael Spoleta 7 Van Auker Street Rochester, NY 14608

variance to tear down and rebuild a single family dwelling with a setback to the road right-of-way of Poplar Beach Road of 56.8' when 60' is required? Applicant

Project: 055-14 **Project Type**

dwelling

□ Interpretation

Project Location 3448 Poplar Beach Construct a single-family Road

Tax Map # 98.15-1-16.110

Type II

TYPE OF APPLICATION:

X Area Variance

SEQR:

Type I **□**Rehearing Variance/Interpretation Requested: Shall the applicant be granted an area

☑ Unlisted

□ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

Continued to: Granted **D**enied

is requesting 3.2' area variance in the RLD zoning district.

□ Use Variance

□ See attached resolution(s)

VOTING:Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	□ NAY □ NAY □ NAY □ NAY □ NAY	□Abstained □Abstained □Abstained □Abstained □Abstained
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REASONS/CONDITIONS:

Certified By: _

Chairperson, Zoning Board of Appeals

Date:

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014

Meeting Date: 9/16/2014

Public Hearing Closed:

Applicant Venezia Associates 5120 Laura Lane Canandaigua, NY 14424 Owner Michael Spoleta 7 Van Auker Street Rochester, NY 14608 <u>Project Type</u> Construct a

single-family

dwelling

Project: 055-14

Project Location 3448 Poplar Beach Road

<u>Tax Map #</u> 98.15-1-16.110

TYPE OF APPLICATION:

🗷 Area Variance

□ Use Variance □ Interpretation

on **D**Rehearing

<u>Variance/Interpretation Requested:</u> Shall the applicant be granted an area variance to tear down and rebuild a single family dwelling with a rear setback to Canandaigua Lake of 13.2' when 60' is required? Applicant is requesting 46.8' 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:

 \Box Granted \Box Denied \Box Continued to:

 \Box See attached resolution(s)

VOTING: Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	□ NAY □ NAY □ NAY □ NAY □ NAY	 Abstained Abstained Abstained Abstained Abstained
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REASONS/CONDITIONS:

Certified By: _

Chairperson, Zoning Board of Appeals

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014

<u>Meeting Date: 9/16/2014</u> <u>Project: 055-14</u>

Public Hearing Closed:

Applicant Venezia Associates 5120 Laura Lane Canandaigua, NY 14424 Owner Michael Spoleta 7 Van Auker Street Rochester, NY 14608

Use Variance

Variance/Interpretation Requested: Shall the applicant be granted an area

variance to tear down and rebuild a single family dwelling with a setback to the mean high water mark of 13.2" when 25' is required? Applicant is requesting an

Project Type Construct a 3 single-family F

dwelling

□ Interpretation

Project Location23448 Poplar Beach9Road9

<u>Tax Map #</u> 98.15-1-16.110

TYPE OF APPLICATION:

X Area Variance

<u>SEQR:</u>

□Rehearing

Type I Type II

☑ Unlisted

 \Box See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

 \Box Granted \Box Denied \Box Continued to:

11.8' area variance in the RLD zoning district.

□ See attached resolution(s)

VOTING:Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	 NAY NAY NAY NAY NAY NAY 	 Abstained Abstained Abstained Abstained Abstained
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REASONS/CONDITIONS:

Certified By: _

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Town of Canandaigua

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Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014

Meeting Date: 9/16/2014

Public Hearing Closed:

Applicant Venezia Associates 5120 Laura Lane Canandaigua, NY 14424 Owner Michael Spoleta 7 Van Auker Street Rochester, NY 14608 Project Type D Construct a

single-family

dwelling

Project: 055-14

Project Location13448 Poplar Beach9Road

<u>Tax Map #</u> 98.15-1-16.110

TYPE OF APPLICATION:

X Area Variance

□ Use Variance □ Ir

□ Interpretation □Rehearing

<u>Variance/Interpretation Requested:</u> Shall the applicant be granted an area variance to tear down and rebuild a single family dwelling with a left side setback of 5.2' when 12' is required? Applicant is requesting a 6.8' area variance in the RLD zoning district.

Chairperson, Zoning Board of Appeals

SEQR:

Type I Type II

☑ Unlisted

□ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

APPLICANT REQUEST:

 \square Granted \square Denied \square Continued to:

□ See attached resolution(s)

VOTING: Terence Robinson Kelly LaVoie Chip Sahler Gary Davis Graham Smith	 AYE AYE AYE AYE AYE AYE 	 NAY NAY NAY NAY NAY NAY 	 Abstained Abstained Abstained Abstained Abstained
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REASONS/CONDITIONS:

Certified By: _

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014 Meeting Date: 9/16/2014 **Public Hearing Closed:** Project: 055-14 **Applicant** Owner **Project Type Project Location** Tax Map # Venezia Associates Michael Spoleta Construct a 3448 Poplar Beach 98.15-1-16.110 5120 Laura Lane 7 Van Auker Street single-family Road dwelling Canandaigua, NY 14424 Rochester, NY 14608 **TYPE OF APPLICATION:** SEQR: **X** Area Variance □ Interpretation **T**ype I **T**ype II **Use Variance D**Rehearing Variance/Interpretation Requested: Shall the applicant be granted an area ☑ Unlisted variance to tear down and rebuild a single family dwelling with a right side setback of 5' when 12' is required? Applicant is requesting a 7' area variance in the RLD □ See Attached resolution(s) zoning district. Negative Declaration Date: Positive Declaration Date: **APPLICANT REQUEST: Continued to: G**ranted **D**enied □ See attached resolution(s) **Terence Robinson D**Abstained VOTING: \Box AYE \square NAY Kelly LaVoie \Box AYE □ NAY **D**Abstained Chip Sahler \Box AYE \Box NAY **D**Abstained Garv Davis \Box AYE **D**NAY **D**Abstained Graham Smith \Box NAY \Box AYE **D**Abstained **<u>REASONS/CON</u>DITIONS:**

Certified By: _

Chairperson, Zoning Board of Appeals

Town of Canandaigua

Canandaigua, NY 14424 Fax (585) 394-9476

Zoning Board of Appeals Decision Notification

Public Hearing Opened: 8/19/2014 Meeting Date: 9/16/2014 **Public Hearing Closed:** Project: 055-14 **Applicant** Owner **Project Type Project Location** Tax Map # Venezia Associates Michael Spoleta Construct a 3448 Poplar Beach 98.15-1-16.110 5120 Laura Lane 7 Van Auker Street single-family Road Canandaigua, NY 14424 Rochester, NY 14608 dwelling **TYPE OF APPLICATION:** SEQR: **X** Area Variance □ Interpretation **T**ype I **T**ype II **Use Variance D**Rehearing Variance/Interpretation Requested: Shall the applicant be granted an area ☑ Unlisted variance to tear down and rebuild a single family dwelling with lot coverage of 26% when no more than 15% is allowed? Applicant is requesting an 11% variance □ See Attached resolution(s) to the lot coverage in the RLD zoning district. Negative Declaration Date: Positive Declaration Date: **APPLICANT REQUEST: Continued to: G**ranted **D**enied □ See attached resolution(s) **Terence Robinson D**Abstained VOTING: \Box AYE \square NAY Kelly LaVoie \Box AYE □ NAY **D**Abstained Chip Sahler \Box AYE \Box NAY **D**Abstained Garv Davis \Box AYE **D**NAY **D**Abstained Graham Smith \Box AYE \Box NAY **D**Abstained **REASONS/CONDITIONS:**

Certified By: _

Chairperson, Zoning Board of Appeals