

## **INCENTIVE ZONING NARRATIVE**

Local Law 9 of 2022, § 220-31(G)(3)

### **Introduction**

A community's culture is defined by its people, and when its people work together, they can accomplish far more than they ever could alone. Over the last few years, there has been a need for the Town of Canandaigua to meet the demands of a remarkably diverse and growing population. Elected officials, town staff, and interested citizens have thought about how we can continue to meet public needs while simultaneously expanding what the Town has to offer, all with little or no increase in town taxes.

After weeks and months of conversation, the Town's Ordinance Committee proposed amendments to the Town's Incentive Zoning Law, which were passed by the Town Board on November 21, 2022. These amendments allow the Town Board to now consider incentive zoning applications from any zoning district in the Town of Canandaigua. This current application, submitted by German Brothers Marina, LLC and 3907 West Lake Road, LLC,<sup>1</sup> is the first incentive zoning application in the Town's Residential Lake Zoning District (the "RLD").

The German Brothers Marina has been an important and stable business in the Town of Canandaigua for decades. For more than forty-three years (1977 to 2021), the marina was operated by Rick and Peter German. During that period, the Germans consistently delighted their customers and became an integral part of the lake-oriented economy for which Canandaigua is so well known.

In 2021 the Germans sold their marina business and the underlying real property to German Brothers Marina LLC and 3907 West Lake Road, LLC, respectively, of which Peter Bruu is the Managing Member of each. Intent on ensuring that the marina is viable for another forty-three years, and beyond, Peter approached the Town Ordinance Committee in 2021 to discuss how he could expand and strengthen the marina within the framework of the Town's land use regulations. Thereafter, the Town Ordinance Committee's decided to propose amendments to the Town's incentive zoning law, which the Town Board adopted in 2022. The current application, the first brought in the RLD under the 2022 amendments (copy attached), seeks a preliminary evaluation of the amenities that the Marina proposes in exchange for the incentive zoning needed to secure the marina's long-term success and viability.

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<sup>1</sup> German Brothers Marina, LLC operates the German Brothers Marina located at 3907 West Lake Road in the Town of Canandaigua. The real property that will be utilized in this project is located at 3904, 3907, and 3935 West Lake Road.

## **Application Process**

The Town's incentive zoning law, found at Town Code § 220-31, gives the Town Board the exclusive authority to approve or deny all incentive zoning applications. The application process is divided into three phases.

The first phase is the submission of an application for "preliminary evaluation," which is described in Town Code § 220-31(G). Due to the complexity of incentive zoning applications, the Town Board must complete a preliminary evaluation of the "adequacy of the amenities to be accepted in exchange for the requested incentive." Town Code § 220-31(G). The purpose of this preliminary evaluation is not to approve or deny a proposed project, but rather to "inform the applicant whether or not the proposal is worthy of further consideration." *Id.* At this initial stage, the applicant must submit (i) a sketch plan of the proposed amenity, (ii) the value of the proposed amenity, and (iii) a project narrative. *Id.* at § 220-31(G)(1)-(3).

The second phase is referral to the Town of Canandaigua Planning Board and other governmental agencies, which is described in Town Code § 220-31(I) and (M). The application for preliminary evaluation is initially sent to the Planning Board for review and comment. Within forty-five (45) days from the date of the Planning Board meeting in which the proposal is first placed on the agenda, the Planning Board must deliver to the Town Board a written report with its evaluation of "the adequacy with which the amenity(ies)/incentive(s) fit the site and how they relate to adjacent uses and structures. *Id.* at § 220-31(I). Simultaneous with the referral to the Planning Board, the application is also referred, where appropriate, to agencies, which may include the Ontario County Planning Board and neighboring municipalities. *Id.* at § 220-31(M).

The third phase is review by the Town Board. After receiving the report from the Planning Board and referral responses, if any, from other governmental agencies, the Town Board reviews the application for preliminary evaluation and notifies the applicant "whether or not it is willing to further consider the proposal and hold a public hearing thereon." *Id.* at § 220-31(J). If the Town Board approves the application for preliminary evaluation, it then schedules a public hearing to consider the project before voting on whether to approve the incentive zoning. *Id.*

## **Proposed Amenities**

As shown on the enclosed sketch plan, the applicant, 3907 West Lake Road, LLC, is proposing a complete renewal of the marina, which will include new public amenities, staged in three separate phases, as follows:

### **PHASE I**

*Public Boat Slips:* Applicant will supply, install and maintain seven (7) boat slips dedicated to transient public use (2-hour maximum stay) and one (1) additional slip dedicated to the Cheshire Volunteer Fire Department Fire Boat.

The estimated cost to supply and install 150 docks is \$1,200,000 (\$8,000/slip x 150 slips)

***Total Estimated Value of Phase I Amenities: \$64,000 (8 slips x \$8,000/slip)***

***Total Estimated Value of Phase I Incentives: \$1,136,000 (142 slips x \$8,000/slip)***

## **PHASE II**

*Public Lake Access:* The applicant will grant the Town of Canandaigua an easement to sixty (60) feet of lake frontage and approximately thirty (30) feet deep for public use.

Estimated amenity value is = \$480,000 (\$8000/ft x 60 feet)

At the Town's expense, and with the Applicant's design approval, the Town will convert the current boat lifts into an over-the-water pavilion to be used for fishing, picnicking, and scenic viewing. Public swimming will be prohibited. The pavilion will be open from sunrise to sunset.

Estimated amenity value is = \$50,000

*Public Small Watercraft Launch Area:* At the Town's expense, and with the Applicant's design approval, the Town will install a small watercraft launch/removal apparatus for kayaks, canoes, paddle boards, etc. that will become part of the Canandaigua Lake Water Trail. The Public Small Watercraft Launch Area will be within the Easement discussed above.

*Public Restrooms:* The applicant will supply and install public restrooms available April 1<sup>st</sup> to October 30<sup>th</sup>, sunrise to sunset.

Estimated amenity value = \$75,000 (\$25,000/Bathroom x 3 Bathrooms)

Phase II includes the building of a Restaurant at an estimated capital cost of \$1,300,000 plus a Ship Store/Ice Cream/Coffee Shop at a capital cost of \$150,000 for a total of \$1,450,000.

***Total Estimated Value of Phase II Amenities: \$605,000***

***Total Estimated Value of Phase II Incentives: \$1,450,000***

## **PHASE III**

*Safety Access Management:* The applicant will permanently refrain from parking boats/trailers on the County Road 16 right-of-way and the upland portion of the property. Boats/trailers will be limited to unloading/loading. The applicant will provide 125 public parking spaces and safe ingress/egress for parking facilities on the upland side of West Lake Road via pedestrian crosswalks. There will be NO PARKING on the lake-side shoulder of West Lake Road and it will be converted to an “active shoulder” for walkers, runners, and bikers. The applicant will work with the Town of Canandaigua and Ontario County on the physical improvements.

Estimated capital costs/amenity value (includes all road/parking/retaining walls construction costs: earthwork cut/fills, stone sub base, asphalt paving top and binder, stairs/railings, structural concrete for retaining walls, and footer drains) = \$1,675,000.

*Public Access for Trail Connector:* The applicant will give the Town of Canandaigua an easement for an access point on the northwest corner of the property for a potential public trail via the HOA open lands on the proposed RSM development site. The trail will be built at the Town’s expense, with design approval by the applicant. The exact size and location of the trail, if built, will be mutually agreed upon by the Town of Canandaigua and the applicant.

Estimated amenity value = \$0

Phase III includes the building of seven (7) Lodges with an estimated capital cost of \$5,070,000 (2400 SF per unit X \$302/SF x 7 units)

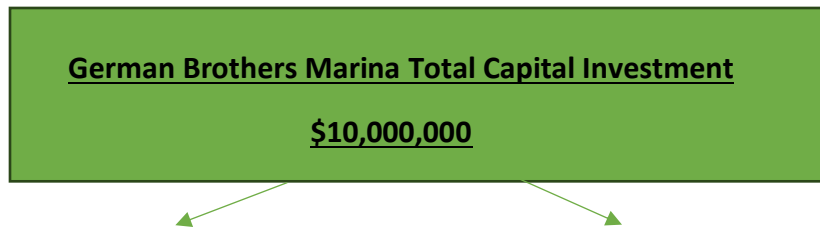
***Total Estimated Value of Phase III Amenities: \$1,675,000***

***Total Estimated Value of Phase III Incentives: \$5,070,000***

**TOTAL ESTIMATED VALUE OF ALL AMENITIES: \$2,344,000**

**TOTAL ESTIMATED VALUE OF ALL INCENTIVES: \$7,656,000**

**Summary of Amenity and Incentive Values**



PHASE	GBM Capital Investment in Public Amenities	GBM Capital Investment to Secure Incentive Solutions and Create Value for the Community
I	\$64,000	\$1,136,000
II	\$605,000	\$1,450,000
III	\$1,675,000	\$5,070,000
<b>Total</b>	<b>\$2,344,000</b>	<b>\$7,656,000</b>

**Proposed Incentive Zoning the Town of Canandaigua**

The Applicant is requesting the following incentives from the Town of Canandaigua:

1. *Dwelling Unit Density:* The applicant is requesting approval of three (3) separate lots, each of approximately 1.84 acres with the following unit density:
  - a. South parcel - Two (2) dwelling units and one (1) non-domiciliary gathering unit
  - b. Center parcel - Two (2) dwelling units
  - c. North parcel - Two (2) dwelling units
  
2. *Approved Uses:* The applicant is requesting the approval of the following uses: boat rental and tour services, community recreation, marina, retail, restaurant, event center, food and beverage (including alcohol), and short-term rental.
  
3. *UDML Designation:* The applicant is requesting that the Town Board designate each of the three parcels as “Tier 2 docking and mooring facilities” under the Uniform Dock and Mooring Law. Each of the three parcels discussed above will have its own distinct dock and mooring facility area.

GBM will remain continually focused on Canandaigua Lake water quality. GBM will work with all the organizations and stakeholders within the Canandaigua Watershed to improve the quality of the storm water runoff. On both the lakeside and upland side of the property we will adhere to the “Best Practices for Watershed & Lakeside Development” as published by the Canandaigua Lake Watershed Association to continue improving the lake water quality for future generations.

These incentives will be used to completely renew and modernize the marina. On the lakeside, the project will include a small retail building of approximately 1,500 sq. ft. that will sell boating supplies and theme-based novelties and includes an ice cream/coffee shop. This retail store will be built on the footprint of the lakeside structure that is currently on the property. The retail store will be accompanied by a new 3,800 sq. ft., two-story restaurant that will be on the lakeside and replace the current marina service building.

On the upside of the property, the boat and trailer storage that currently occupies the property will be replaced by seven (7) elegant cottages that would be available for rental.

Our professional engineers, Costich Engineering, have already confirmed with Ontario County that there is adequate sanitary sewer and transportation infrastructure to support the project. We look forward to confirming with the Town of Canandaigua that the current water system is sufficient.

The goal behind the renewal of the marina is to create a sustainable and welcoming family destination that will be enjoyed by both Town residents and visitors. We estimate that the proposed improvements to the marina, if approved, will result in additional increases in property and sales tax for the Town of Canandaigua.

The marina is all about getting people in and on the water and enjoying all that Canandaigua Lake has to offer. We want to expand lake access for visitors and Town residents. Public lake access will be augmented by casual dining, elegant lodgings, and family-oriented meeting places.

We look forward to being able to further discuss how the renewal of the German Brothers Marina will bring long-term benefits to the Town and its residents. We welcome the opportunity to further discuss this proposal with the Town Board.

Let us enjoy the lake! Let us get on the water! Let us be inspired by the water! Let us share the lake!

Respectfully submitted,

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Peter Bruu, Managing Member of 3907  
West Lake Road, LLC and German Brothers  
Marina, LLC