

# Town of Canandaigua

5440 Routes 5 & 20 West

Canandaigua, NY 14424

Phone (585) 394-1120

Fax (585) 394-9476

## Zoning Board of Appeals Decision Notification

**Public Hearing Opened: 11/19/2013**

**Meeting Date: 11/19/2013**

**Public Hearing Closed: 11/19/2013**

**Project: 073-13**

**Applicant**

Jon Shick  
248 East Avenue  
Rochester, NY 14604

**Owner**

Joel Reiser & Nancy  
Hyman  
6 Windham Circle  
Mendon, NY 14506

**Project Type**

Tear down  
and rebuild  
detached  
garage

**Project Location**

5265 Menteth Drive

**Tax Map #**

140.11-1-25.000

**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 tear down and rebuild an accessory building (detached garage) within the front yard with a front setback of 5.2' when 60' are required? Applicant is requesting a 54.8' variance to the front setback 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:**

Terence Robinson

☒ AYE

☐ NAY

Chip Sahler

☒ AYE

☐ NAY

Rick Szkapi

☒ AYE

☐ NAY

Gary Davis

☒ AYE

☐ NAY

Graham Smith

☒ AYE

☐ NAY

☐ Abstained

☐ Abstained

☐ Abstained

☐ Abstained

☐ 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 August 26, September 16 and 17, and November 11, 12, and 14, 2013, as well as facts presented during the Public Hearing. The proposed structure will not encroach any closer to the property lines than existing structures on the property. The applicant is maintaining the existing footprint so there will not be any impact on the neighborhood. Applicant is to meet all conditions from Kevin Olvany, Canandaigua Lake Watershed, the Canandaigua Town Planning Board, and MRB regarding the stormwater management plan. As-built drawings are required to be submitted to the Town. The garage will have electricity and water only. There will be no commercial use or habitable space allowed in the garage.

Certified By:

Chairperson, Zoning Board of Appeals

Date:

11/22/13

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☒ Area Variance    ☐ Use Variance    ☐ Interpretation    ☐ Rehearing

**SEOR:**

☐ Type I    ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuild an accessory building (detached garage) within the front yard with a left side setback of 5.2' when 10' are required? Applicant is requesting a 4.8' variance to the left side setback in the RLD zoning district.

☐ Unlisted

☐ See Attached resolution(s)

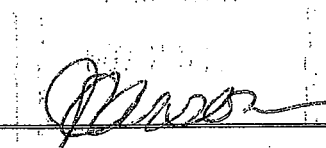
Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

☒ Granted    ☐ Denied    ☐ Continued to:

☐ See attached resolution(s)



**VOTING:**

Terence Robinson

☒ AYE

☐ NAY

☐ Abstained

Chip Sahler

☒ AYE

☐ NAY

☐ Abstained

Rick Szkapi

☒ AYE

☐ NAY

☐ Abstained

Gary Davis

☒ AYE

☐ NAY

☐ Abstained

Graham Smith

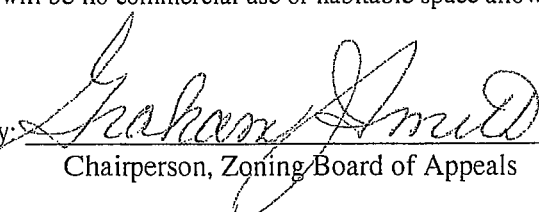
☒ AYE

☐ NAY

☐ 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 August 26, September 16 and 17, and November 11, 12, and 14, 2013, as well as facts presented during the Public Hearing. The proposed structure will not encroach any closer to the property lines than existing structures on the property. The applicant is maintaining the existing footprint so there will not be any impact on the neighborhood. Applicant is to meet all conditions from Kevin Olvany, Canandaigua Lake Watershed, the Canandaigua Town Planning Board, and MRB regarding the stormwater management plan. As-built drawings are required to be submitted to the Town. The garage will have electricity and water only. There will be no commercial use or habitable space allowed in the garage.

Certified By: 

Chairperson, Zoning Board of Appeals

Date: 11/22/13

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**Project Location**

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**Tax Map #**

140.11-1-25.000

**TYPE OF APPLICATION:**

**SEQR:**

☒ Area Variance    ☐ Use Variance    ☐ Interpretation    ☐ Rehearing    ☐ Type I    ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuild an accessory building (detached garage) within the front yard with a setback to the bed of a stream carrying water more than six months out of the year of 18.25' when 100' are required? Applicant is requesting a 1.75' 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:**

Terence Robinson

☒ AYE

☐ NAY

☐ Abstained

Chip Sahler

☒ AYE

☐ NAY

☐ Abstained

Rick Szkapi

☒ AYE

☐ NAY

☐ Abstained

Gary Davis

☒ AYE

☐ NAY

☐ Abstained

Graham Smith

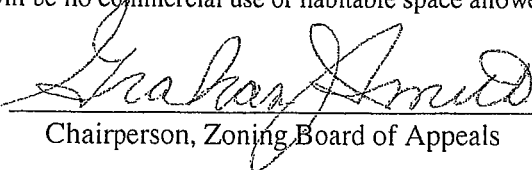
☒ AYE

☐ NAY

☐ 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 August 26, September 16 and 17, and November 11, 12, and 14, 2013, as well as facts presented during the Public Hearing. The proposed structure will not encroach any closer to the property lines than existing structures on the property. The applicant is maintaining the existing footprint so there will not be any impact on the neighborhood. Applicant is to meet all conditions from Kevin Olvany, Canandaigua Lake Watershed, the Canandaigua Town Planning Board, and MRB regarding the stormwater management plan. As-built drawings are required to be submitted to the Town. The garage will have electricity and water. There will be no commercial use or habitable space allowed in the garage.

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<u>Applicant</u>	<u>Owner</u>	<u>Project Type</u>	<u>Project Location</u>	<u>Tax Map #</u>
Jon Shick 248 East Avenue Rochester, NY 14604	Joel Reiser & Nancy Hyman 6 Windham Circle Mendon, NY 14506	Tear down and rebuild detached garage	5265 Menteth Drive	140.11-1-25.000

### TYPE OF APPLICATION:

### SEOR:

☒ Area Variance    ☐ Use Variance    ☐ Interpretation    ☐ Rehearing    ☐ Type I    ☒ Type II

Variance/Interpretation Requested: Shall the applicant be granted an area variance to tear down and rebuild an accessory building (detached garage) within the front yard when accessory structures are not allowed in front yards? Applicant is requesting a 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:

Terence Robinson  
Chip Sahler  
Rick Szkapi  
Gary Davis  
Graham Smith

☒ AYE  
☒ AYE  
☒ AYE  
☒ AYE  
☒ AYE

☐ NAY  
☐ NAY  
☐ NAY  
☐ NAY  
☐ NAY

☐ Abstained  
☐ Abstained  
☐ Abstained  
☐ Abstained  
☐ 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 August 26, September 16 and 17, and November 11, 12, and 14, 2013, as well as facts presented during the Public Hearing. The proposed structure will not encroach any closer to the property lines than existing structures on the property. The applicant is maintaining the existing footprint so there will not be any impact on the neighborhood. Applicant is to meet all conditions from Kevin Olvany, Canandaigua Lake Watershed, the Canandaigua Town Planning Board, and MRB regarding the stormwater management plan. As-built drawings are required to be submitted to the Town. The garage will have electricity and water only. There will be no commercial use or habitable space allowed in the garage.

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Date: 11/22/13

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## Canandaigua Zoning Board of Appeals Resolution

### SEQR Resolution Determination of Significance – Type II Action

FILE # CPN-073-13

APPLICANT: JOEL REISER & NANCY HYMAN, 5265 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 Action under Section 617.5 (c) of the State Environmental Quality Review (SEQR) Regulations; and,

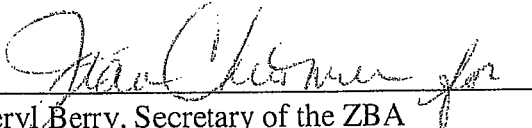
WHEREAS, Type II Actions are not subject to further review under Part 617.

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 Chairperson Smith and seconded by Chip Sahler at a regularly scheduled meeting of the ZBA held on Tuesday, November 19, 2013. Following discussion therein, the following roll call vote was taken and recorded:

Terence Robinson	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Rick Szkapi	<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
Gary Davis	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
Graham Smith	<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 November 19, 2013 meeting.

  
Cheryl Berry, Secretary of the ZBA

