

2013 Planning / Zoning Application

Project Number **073-13** *Date Received* 8/15/2013

App Type Area Variance

Project Address 5265 Menteth Drive

Zone RLD

Tax Map #: 140.11-1-25.000 *Tax Map #2:*

Applicant Jon Shick for Joel Reiser & Nancy Hyman
248 East Avenue
Rochester, NY 14604

Telephone: (585) 454-5101 *Fax:* (585) 454-5101

E-mail jon@jonschick.com

Contact Jon Schick

Telephone: (585) 454-5101 *Fax:* (585) 454-5101

E-mail jon@jonschick.com

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



Project Description: Tear down and rebuild detached garage

Project Status: Pending 9/17 ZBA meeting

☒ *Fee Paid*

☒ *Rcvd Sign*

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: 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

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.

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:

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

[Signature]

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:

[Signature]
Chairperson, Zoning Board of Appeals

Date:

11/22/13

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Project Location

5265 Menteth Drive

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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 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.

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:

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:

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Certified By:

Graham Smith
Chairperson, Zoning Board of Appeals

Date:

11/22/13

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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 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 7.75' 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
Chip Sahler
Rick Szkapi
Gary Davis
Graham Smith

☒ AYE
☒ AYE
☒ AYE
☒ AYE
☒ AYE

☐ NAY
☐ NAY
☐ NAY
☐ NAY
☐ NAY

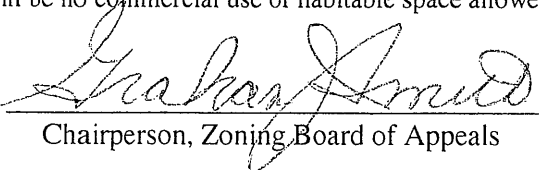
☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained
☐ Abstained



REASONS/CONDITIONS:

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Certified By:


Chairperson, Zoning Board of Appeals

Date:

11/22/13

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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 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.

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:

Terence Robinson
Chip Sahler
Rick Szkapi
Gary Davis
Graham Smith

☒ AYE
☒ AYE
☒ AYE
☒ AYE
☒ AYE

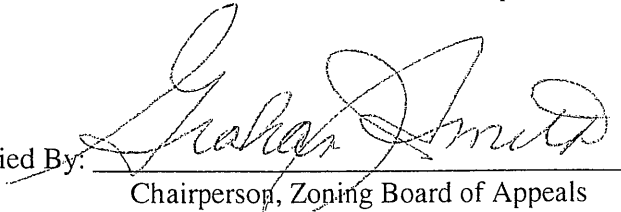
☐ NAY
☐ NAY
☐ NAY
☐ NAY
☐ NAY

☐ 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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Chairperson, Zoning Board of Appeals

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,

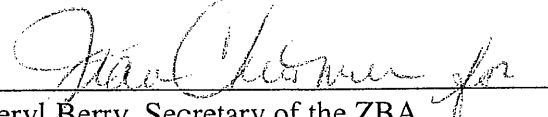
WHEREAS, Type II Actions are not subject to further review under Part 617.

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

