

March 1, 2017

Re: CPN-079/080-16
Tax Map# 140.11-1-25.000

Dear ZBA Board Members:

Please consider this letter an official submission for the March 7th, 2017 hearing regarding the variances currently requested for the Reiser/Hyman project at 5265 Menteth Dr. I live in the Menteth Point neighborhood, and my permanent residence is on southern end of Menteth Point at 4735. Co. Rd.16. I am submitting my comments on 3 different issues regarding requested variances for 5265 Menteth Dr.

- A. It is my understanding that the property owners were informed when they purchased the property in 2012 that they must submit a copy of a contract with an approved wastewater maintenance/inspection company, and also twice yearly provide the reports from such company to George Barden the Canandaigua Lake Watershed Inspector for review. This is particularly important concerning an aerobic system such is on this property, and is done to insure the protection of our most valuable resource, the lake. Further, it is my understanding that the property owners have never bothered to do this. This shows a total disrespect for the lake, the environment, and the rules and guidelines set forth to protect the lake.

Many of us who love the lake and try to be good stewards of the lake know that the recent difficulty with algae blooms and water quality are as much a result of the incremental over-development of the lakeshore, and the desire to build "McMansions" with manicured lawns, as it is a result of the existing wastewater systems that have been in place for many years with no problems.

- B. The Ontario County Planning Board has recommended "Denial". This means that there will have to be a super majority vote (4 votes out of 5) for these variances to be approved by the Town of Canandaigua ZBA, but more than that, the O.C.P.B. recommended denial for a reason. I know that the O.C.P.B. uses some standard language in their findings, but they are still very important and should be carefully read, particularly numbers 5 and 7:

Findings:

1. Protection of water features is a stated goal of the CPB.
2. The Finger Lakes are an indispensable part of the quality of life in Ontario County.
3. Increases in impervious surface lead to increased runoff and pollution.
4. Runoff from lakefront development is more likely to impact water quality.
5. It is the position of this Board that the legislative bodies of all lakefront communities have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.
6. Protection of community character, as it relates to tourism, is a goal of the CPB.
7. It is the position of this Board that numerous variances can allow over development of properties in a way that negatively affects public enjoyment of the Finger Lakes and overall community character.
8. It is the position of this Board that such incremental impacts have a cumulative impact that is of countywide and intermunicipal significance.

Final Recommendation: Denial

C. Finally, please accept the following comments specific to the required 5 questions that, as you know, must by state regulation be considered and answered regarding any variance request.

(1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance; Yes, an undesirable change will be produced not only to the neighborhood, but also as expressed by the O.C.P.B., incrementally to the entire watershed. Please see the O.C.P.B. findings, particularly #7. There has always been a flooding problem on the subject property, and I am concerned that the proposed fill and grading will cause the neighboring properties to be subject to flooding.

(2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance; The preexisting lot will require some variances for a tear down/re-build, however, there are numerous ways that the applicant could reduce the size of the proposed dwelling, which is excessive and significantly larger than the existing dwelling, and thereby reduce the very substantial variances requested. Construction on Canandaigua Lake should not be done as a challenge to see how much structure can be packed into quirky little preexisting lots.

Additionally, the detached garage could be moved closer to the proposed dwelling. Since the lot widens toward the east, moving the detached garage away from the inland lot line would necessitate a lesser variances. Better yet, eliminate the detached garage completely! Why is it necessary to have both an attached and a detached garage? As is a common occurrence around the lake, having two garages begs the question: Is the attached garage going to be converted into more living or sleeping quarters after the C of O is issued? It happens a lot around the lake. Regardless, having two garages is not a necessity.

(3) whether the requested area variance is substantial; I believe it is necessary to consider any individual variance request as a whole along with all other variance requests that will be required for the same project, as well as those already given. The individual requested variances alone are quite substantial, but in combination they are very excessive and show a total disregard for the neighborhood and environment while trying to squeeze in the absolute biggest structure possible. The request for rear setback is a 68% variance, and the various stream setbacks are even greater and range between a 96.5% variance (3.5 feet when a 100 foot setback is required), to a 74.4% setback for the dwelling (25.6 feet when 100 foot setback is required) The side setback requested for the detached garage is 44% variance from the zoning regulations (6.8 feet when 12 feet is required). The height variance, while not substantial, incrementally sets a precedence for future applicants to the ZBA, and could probably be eliminated by building a smaller dwelling structure.

At the very least, the applicants should be sent back to the drawing table to find ways to reduce the size of the dwelling and thus the sizes of the requested variances.

(4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; Yes, there will be significant adverse effects. Granting these requested variances will not only further the creation of precedence, but

also further weakens the enforcement credibility of lakefront communities such as the Town of Canandaigua which “have enacted setbacks and limits on lot coverage that allow reasonable use of lakefront properties.” Really, why pass regulations with limits on setbacks at all when variances of 50% to 98% can get approved? Every granted variance weakens the system incrementally and makes the ZBA’s future job harder.

(5) **whether an alleged difficulty is self-created.** Yes, at least one alleged difficulty is self-created. The applicant does not need two garages. Eliminating the detached garage would not only eliminate one of the currently requested variances, but also the variances that have unfortunately already been given in December for the proposed detached garage. As for the main dwelling, the subject property will certainly need some variances to tear down/rebuild, however the extent of the variances can be significantly reduced by the creative construction of a reasonably sized dwelling that it's size is more in keeping with the neighborhood, and a more natural landscape.

In conclusion, I am requesting that as per the recommendations of the O.C.P.B. the proposed variance requests be denied.

Respectfully submitted,
Marion Cassie
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