

## Zoning Inspector

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**From:** Chris Jensen <cjensen@townofcanandaigua.org>  
**Sent:** Friday, March 09, 2018 12:22 PM  
**To:** 'Town Manager'; 'Chris Nadler'; 'Cooper, Eric'  
**Subject:** Menteth Drive 5265 - Hyman Reiser  
**Attachments:** Menteth Drive 5265 2018-03-09 Site Plan.pdf; Menteth Drive 5265 2013-06-28 Elevations.pdf; Menteth Drive 5265 2013-06-28 First Floor.pdf; Menteth Drive 5265 2013-06-28 Site Plan.pdf; Menteth Drive 5265 2013-06-28 Variance App Questions.pdf; Menteth Drive 5265 2013-08-30 ZNG Determination.pdf

Good Afternoon,

A new application for site plan approval has been made for 5265 Menteth Drive.

The issue... they are utilizing the variances that were granted back in 2013 for this new design/location.

Our determination will most likely be that the design is not in substantial conformance with the original design back in 2013 and that the variances were granted based on the design that was submitted in 2013.  
(see attached 2013 plans)

I'm writing this email.. because the applicant is aware of how we are going to write our determination.. and has contacted legal counsel.

Eric.. I'll write/sign the determination on this one.. they will probably file a interpretation request.

-Chris

Chris Jensen PE  
Code Enforcement / Zoning Officer  
Town of Canandaigua - Development Office  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(cell) 585-315-3088

# Town of Canandaigua

5440 Routes 5 & 20 West  
Canandaigua, NY 14424

*Established 1789*

## Zoning Board of Appeals Written Decision Notification

CPN Number: 046-13

Date Action Taken: 7/16/13

Enclosed is written notification of the Zoning Board's resolution regarding your application. Please read it carefully, follow the steps below, and if you have any questions, please contact the Development Office at (585) 394-1120.

☒ Your variance(s) has/have been **GRANTED**.

The decision sheets for your application have been filed with the Town Clerk within the required five (5) business days of the Zoning Board of Appeals meeting. A copy of the filed decision sheets is enclosed.

☐ Your project does not require Planning Board approval. Your application for a building permit will be processed and you will be contacted when your building permit is ready to be picked up.


☒ Your project does require Planning Board approval. If you have not already done so, you must submit applications to the Planning Board requesting preliminary site plan approval and final site plan approval. The Planning Board must grant both of these approvals before any permits can be issued.

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☐ Your variance(s) has/have been **DENIED**.

The Town's Zoning Regulations, Chapter 220 Section 220-92-D, states "Whenever the Zoning Board of Appeals, after hearing all the evidence presented upon an application for appeals under the provisions of this chapter, takes action to deny the application, said Board shall refuse to hold further hearings on the same or substantially similar application for appeal by the applicant, their successors or assigns, for a period of one year, except and unless the Board shall find and determine from the information supplied in the request for a rehearing that changed conditions have occurred relating to the promotion of public health, safety, convenience, comfort, prosperity and general welfare and that a reconsideration is justified. Such rehearing may be granted only upon a unanimous vote of all members of the Board then present."

Sincerely,

  
Jean Chrisman, Zoning Officer

# 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: 7/16/2013**

**Meeting Date: 7/16/2013**

**Public Hearing Closed: 7/16/2013**

**Project: 046-13**

**Applicant**

Jon Schick  
248 East Avenue  
Rochester, NY 14604

**Owner**

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

**Project Type**

Construct a  
single-family  
dwelling

**Project Location**

5265 Menteth Drive

**Tax Map #**

140.11-1-25.000

**TYPE OF APPLICATION:**

☒ 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 a single family dwelling with a rear setback of 50.3 feet when 60 feet is required? Applicant is requesting a 9.7' area variance in the RLD zoning district.

**SEOR:**

☐ Unlisted  
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

☒ Granted    ☐ Denied    ☐ Continued to:  
☐ See attached resolution(s)

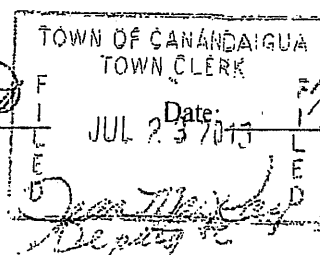
**VOTING:**

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
Roy Beecher	<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

**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 12, 2002, May 17, May 24, June 28, and July 10, 2013. The applicant is maintaining approximately the same footprint as the existing structure on the south and east sides (creek and lakeside). Two variance requests are necessary because of the location of the septic system and the lot configuration. Applicant answered all questions satisfactorily.

Certified By: Graham Smith  
Chairperson, Zoning Board of Appeals



7-23-13

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**Project Location**

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140.11-1-25.000

**TYPE OF APPLICATION:**

☒ 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 a single family dwelling with a setback to the bed of a stream carrying water more than 6 months out of the year of 25 feet when 60 feet is required? Applicant is requesting a 35' area variance in the RLD zoning district.

**SEQR:**

☐ Unlisted  
☐ See Attached resolution(s)

Negative Declaration Date:

Positive Declaration Date:

**APPLICANT REQUEST:**

☒ Granted    ☐ Denied    ☐ Continued to:  
☐ See attached resolution(s)

**VOTING:**

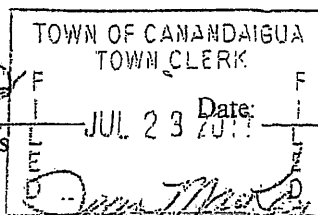
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Gary Davis	<input checked="" type="checkbox"/> AYE	<input type="checkbox"/> NAY	<input type="checkbox"/> Abstained
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Certified By:

*Graham Smith*  
Chairperson, Zoning Board of Appeals



4-23-13

*Town of Canandaigua*  
5440 Routes 5 & 20 West  
Canandaigua, NY 14424  
(585) 394-1120 / Fax (585) 394-9476

**Canandaigua Zoning Board of Appeals Resolution**

**SEQR Resolution Determination of Significance -- Type II Action**

FILE # CPN-046-13

APPLICANT: JON SCHICK REPRESENTING JOEL REISER AND 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,

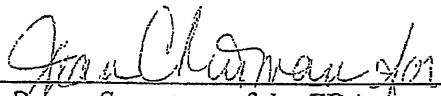
WHEREAS, Type II Actions are not subject to further review under Part 617.

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 Gary Davis and seconded by Terence Robinson at a regularly scheduled meeting of the ZBA held on Tuesday, July 16, 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
Roy Beecher	<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 July 16, 2013 meeting.

  
Cheryl Berry, Secretary of the ZBA