

Motion carried by voice vote.

B. Recommendation to the Zoning Board of Appeals:

**CPN-20-007 Venezia & Associates, 336 N. Main Street,
Canandaigua, N.Y. 14424, representing J. Summerhays,
et. al., 24 Crestline Drive, Rochester, N.Y. 14618;
owners of property at 4691 and 4695 N. Menteth Drive
TM #140.11-1-14
TM #140.11-1-15
Requesting an Area Variance for creation of a parcel that
does not meet the 20,000-square-foot minimum (requesting
a variance of 5,229 square feet to create a lot that is 14,771
square feet); and requesting a recommendation from the
Planning Board regarding potential impacts of the expansion
of the nonconforming lot, per Town Code § 220-107
(G) (2).**

This application was reviewed by the Planning Review Committee on February 18, 2020.

This application was reviewed by the Environmental Conservation Board (ECB) on March 5, 2020.

Anthony Venezia presented this application.

The applicant is requesting an Area Variance of 5,229 square feet for the creation of a parcel of 14,771 square feet which does not meet the 20,000-square-foot Town Code minimum lot size. The applicant is also requesting a recommendation from the Planning Board to the Zoning Board of Appeals regarding the potential impacts of the expansion of the non-conforming lot, per Town Code § 220-107 (G) (2).

It was noted that the Town Environmental Conservation Board (ECB) recommended that the Zoning Board of Appeals maintain the Town standards to avoid the increase of the non-conformance of an already non-conforming lot. The ECB encouraged the property owners to adhere to the Town's development standards except when there are truly extenuating circumstances which have not been identified in this application.

Mr. Venezia said that the applicant owns both parcels and has a contract to sell one of the parcels. He said that a septic system serves the existing home on one of the parcels and that plans are being prepared for a new home and a new septic system on the remaining lot. Mr. Venezia said that the property owner has no plans to renovate the existing older cottage.

Mr. Staychock said that he could not support this application. He said that it will increase the density and reduce the lot sizes in an area of the Town in which we do not as a Town [desire to reduce the lot sizes], per the Comprehensive Plan for properties near the lake.

Mr. Venezia said that a future owner of the second parcel would still have to apply to the Zoning Board of Appeals for area variances to build on the second parcel. He said that two good-sized homes could still fit on the two parcels.

Mr. Nadler requested that the Planning Board leave the philosophical questions to the Zoning Board of Appeals (ZBA). He said that the purpose of the review this evening is to identify planning issues. He said that whether or not the variance is granted will be up to the ZBA which will deal with the obvious issues such as adequate space for a septic system, access concerns, and others.

Mr. Humes asked about the potential change in the character of the neighborhood. Mr. Nadler said that the ZBA will address the impact of the variance application on the character of the neighborhood.

Dr. Blazey said that the Planning Board has every right to make recommendations to the ZBA on the density and the character of the neighborhood, but that the Planning Board does not tell the ZBA what to do.

Mr. Humes said that making a non-conforming lot even smaller may prohibit the future development of that lot to conform with other homes within the area. He said that he thinks that we would be against that.

Mr. Oyler said that although this may not be a planning issue we are taking small lots and trying to make them bigger to fit houses that people want to build, instead of people taking lots and building houses that will fit on the lots.

Mr. Venezia said that these two lots are difficult to develop because of the steep slopes along the western portions of the lots along County Road 16. He said that these are only portions of the lot upon which homes could be built. Mr. Nadler said that the ZBA would most likely agree with this. Mr. Venezia said that other lots to the south of these lots are more easily developed.

Mr. Humes noted that the ZBA did not specifically send this application to the Planning Board for action and that the Planning Board is not required to respond.

Mr. Oyler asked that Mr. Nadler and Mr. Cooper report the Planning Board's comments with the ZBA.