**REMLEY DETERMINATION**

Mr. Wright moved, seconded by Ms. Palmer, that the area variance requested by David and Cynthia Remley, 437 Pond Road, Honeoye Falls, NY for a variance at said property, consisting of 19.84 acres, bearing Tax Account No. 205.03-1-13.1, located in an RA-5 zone to allow a setback of approximately 70 feet on the east property line for construction of an indoor riding arena, which will be attached to the barn, whereas Town Code requires a 150 foot setback for a structure housing more than 5 animals, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. David and Cynthia Remley appeared before the Zoning Board of Appeals at the public hearing on June 25 2015.
2. The Remley property at 437 Pond Road is a classic example of a 19th century rural Mendon property. The homestead is a cobblestone and frame structure built at the time of the construction of the Erie Canal. The homestead is to the west of the existing barns and the proposed riding arena, with a clear view over fenced pastures to the south.
3. The existing barns are slightly prior non-conforming, with their southeast corner approximately 145 feet from the property line.
4. The proposed barn expansion is to the south of the existing barn and connected to it. The proposed riding arena is to the east of barn expansion, and connected to the barn addition. The purpose is to create an all-weather equestrian facility.
5. The homestead, existing barn, proposed barn, and proposed riding arena are all parallel to or perpendicular to Pond Road. The east property line, however, does not come off Pond Road at a 90 degree angle; the angle is about 70-75 degrees toward the west. Hence the further south the proposed riding arena is located, the closer it gets to the east property line.
6. The east property line is basically parallel to a stream on the adjoining property. The stream in the area of the proposed riding arena would be about 150 feet from the closest building corner. The adjoining property in the area of the stream is undeveloped, and the nearest home is not visible. In effect, the stream creates a natural buffer on the east side of the Remley property.
7. The proposed riding arena building plan includes provision for stormwater drain tiles to mitigate the flow from the roof. Other areas on the Remley property are not as easily drained, and would require fill for construction.

**CONCLUSIONS OF LAW**

1. The benefit David and Cynthia Remley are attempting to achieve cannot be achieved by other means, and is consistent with the Town of Mendon Comprehensive Plan regarding historic preservation and scenic vistas.
2. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
3. The request is substantial.
4. The request will not have adverse physical or environmental effects.
5. The difficulty is self-created.
6. This is Type II action under SEQR.