**RHH MENDON PROPERTIES, INC. DETERMINATION**

Mr. Peckham moved, seconded by Ms. Palmer, that the area variance requested by RHH Mendon Properties, Inc. 740 East Avenue, Rochester, NY at property located at 240 Sheldon Road, Honeoye Falls, NY, consisting of 71.8 acres, bearing Tax Account No. 214.02-1-2.3, located in an RA-5 zone, to subdivide out a 5.002 acre new parcel from the 71.8 acres, which will result in a side setback for the existing block garage of approximately 11 feet and a side setback of the existing frame barn of approximately 11 feet, whereas Town Code requires a 20 foot side setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Laura M. Smith, Esq., Harter Secrest & Emery LLP appeared before the Zoning Board of Appeals at the public hearing on September 10, 2015 on behalf of RHH Mendon Properties, Inc.
2. RHH Mendon Properties, Inc. is the owner of the property at 240 Sheldon Road.
3. The property is improved with a single family house, two block garages and a frame barn. RHH Mendon Properties intends to subdivide the property so that the house and block garages are located on a new 5.002 acre parcel and the frame barn is located on the remaining original parcel of approximately 67.0 acres.
4. RHH Mendon Properties wants to retain the single family house as an income producing property. The remaining acreage and the frame barn will be sold to the Director of the corporation in his personal capacity. Thus the five acre lot will continue to be used for rural residential purposes while the larger property will be used by the new owner for personal recreational use and to support agricultural operations, a purpose for which a portion of the property has been used in the past through lease to area farmers.
5. The subdivision which gives rise to the setback variance will not result in any physical change to the property or to the structures in place. The physical configuration and appearance will essentially remain the same. There is no plan for further development of either lot.
6. The new property line between the parcels is situated so as to best meet the future residential, recreational and agricultural uses of both properties and to provide ease of access in the new configuration.
7. The property subdivision changes the definition of the frame barn under the Town Code from an accessory building to a principal building.
8. No members of the public commented on the variance application at the public hearing.

**CONCLUSIONS OF LAW**

1. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
2. The request will not have adverse physical or environmental effects.
3. The benefit RHH Mendon Properties, Inc. is attempting to achieve cannot be achieved by other means.
4. The request is substantial.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.