**DETERMINATION**

Ms. Palmer moved, seconded by Mr. Peckham, that the area variance request by Jason Inda, agent for Josh Miles, 791 Mile Square Road, Pittsford, NY for a variance at said property consisting of 8.371 acres, bearing tax account number192.04-1-6.14, located in an RA-5 zone to allow a variance for a fence 4.5 feet in height. Whereas town code requires a maximum height of 4 feet, be approved based on the following findings of fact and conclusion of law.

FINDING OF FACT

1. Jason Inda, contractor, appeared before the Mendon Zoning Board of Appeals on September 24, 2015 on behalf of Josh Miles, 791 Mile Square Road, Pittsford, NY.
2. The subject of the proposed area variance request is for a metal fence and security/entry gate.
3. The proposed fence is 4.5 feet in height, the entry gate will be 12 feet in width and 4.5 feet in height.
4. The gate will be placed between 2 metal posts, the fence and gate will be setback approximately 20 feet from the edge of Mile Square Road.
5. The gate will be power operated.
6. The gate will not be lighted.

CONCLUSION OF LAW

1. The granting of the variance will not result in an adverse change to the character of the neighborhood.
2. The granting of the variance will not have a negative environmental impact.
3. The variance is not substantial.
4. There is no alternative method to the variance request as a portion of the fence is already installed.
5. The difficulty is self-created.
6. The action is a Type II under SEQR.