**OSOVSKI USE VARIANCE DETERMINATION**

Ms. Sciortino moved, seconded by Mr. Lacey that the request by Doug Osovski, 11 Split Rail Run, Penfield, NY, requesting a use variance for property at 4287 Clover Street, Honeoye Falls, consisting of 73 acres, known as Mendon Acres, bearing Tax Account No. 215.03-1-2.12, located in an RA-1 zone, to offer ice cream, occasional barbecue and cider and doughnuts for sale at his farm market be approved based on the following findings of fact and conclusions of law with conditions:

**FINDINGS OF FACT**

1. Mr. Osovski appeared before the Zoning Board of Appeals at a public hearing on April 12, 2018.
2. Mr. Osovski explained the purpose of the proposed retail store is to provide a source of revenue to mitigate the common risks experienced in the principal agricultural business at the site.
3. This is a new business which began improvements to the property in 2016 and opened in 2017. Mr. Osovski explained the lengthy process of bringing new crops to production status.
4. The retail location will be in a barn located in the area in the area nearby the existing structures on the property.
5. Various government agency approvals will be needed for the site and the retail business. The need for these approvals is acknowledged by Mr. Osovski and has been initiated.
6. Mr. Osovski reviewed the financials provided with the application and discussed the financial outlook for the business with the Board.
7. No members of the public commented at the hearing.

**CONCLUSIONS OF LAW**

1. The applicant is substantially unable to guarantee a reasonable return on this start up agri-business due to the various risks common to this type of business. The retail operation is needed to mitigate these risks by attracting customers during each crop season and to provide additional revenue.
2. The hardship is unique as it is not shared by a majority of parcels in the same area.
3. The hardship has not been self-created. The difficulties are caused by risks inherent in the agri-business, and not generated by the applicant.
4. The requested variance will not alter the essential character of the neighborhood.

**CONDITIONS**

The location retail sale of accessory goods is limited to the barn shown on the map provided with the application.

Approval by the Town of Mendon Planning Board of the application pursuant to Town Code Section

 200-13C (5) “Other Non-Specific Accessory Uses”, or other sections of the Town Code that the Planning Board may deem applicable.

Licenses or certifications required by appropriate governmental or regulatory authorities related to the retail sales activity must be provided to the Town of Mendon Code Enforcement Officer by October 12, 2018. Failure to do so will void the use variance granted by this determination. The Town Code Enforcement Officer may grant an extension to January 12, 2019 to receive documents required by this condition.

Products offered for sale in the retail operation shall be consistent with both Accessory Uses as defined or reasonably intended in the Town Code Section 200-13C (5) and those enumerated in the application.