**REN AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Ms. Sciortino, that the area variance requested by Rockey Ren, 909 Mile Square Road, Pittsford, NY, for an area variance at said property located between the Smith Road and Cole Road intersections, consisting of 5.3 acres, bearing Tax Account No. 205.02-1-34.11, located in an RA-5 zone, to build a front gate and perimeter fence that will be 6 feet in the front yard, whereas town code allows a 4 foot fence in the front yard, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Rockey Ren, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 27, 2019.
2. The applicant is requesting to build a fence in the front yard that will have a height of 6 feet. Section 260-74A of the Mendon Zoning Code states no fence in a front yard shall be higher than 4 feet. The gate may be up to 6 feet in height.
3. The applicant has stated they plan to install fence around the perimeter of their property. Section 260-74B allows the planned 6 feet high fence along the rear and side.
4. 7 feet 4 inch tall piers will be installed at approximately 32 feet increments.
5. The applicant claims the fence is needed for security reasons, and references being the victim of past criminal actions. A police report was received and added to the file.
6. No members of the public commented during the public hearing.
7. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as a shorter fence would be easier to overcome.
2. The request **is** substantial, as it exceeds the allowed height by 50%.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the planned fencing will be designed to not impede water flow or wildlife traffic.
4. The request will **not** have an undesirable change in the neighborhood, as there are other fenced yards nearby.
5. The difficulty was **not** self-created, as the applicant seeks to discourage future undesirable visitors.
6. This is a Type II action under SEQR