A Regular Meeting of the Zoning Board of Appeals was held on Thursday, August 8, 2013, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Kevin Wright, Chair

Don Thorp

Bruce Peckham

Liz Sciortino

ATTORNEY: Doug Jones

ABSENT: Don Irvine

OTHERS: 3 others.

Minutes were taken by Mary Fletcher.

Mr. Wright called the meeting to order at 7:05 p.m.

**LOPEZ AREA VARIANCE PUBLIC HEARING**

Christopher & Amy Lopez, 2332 State Route 444, Bloomfield, NY, appeared before the Board for an area variance at property located on Taylor Road, Honeoye Falls, NY, near the southwest corner of the Taylor Road and West Bloomfield Road intersection, consisting of 3.72 acres (after it is subdivided) and bearing Tax Account No 216.03-1-5.2, located in an RA-1 zone, to allow them to convert an existing barn, with a front setback of approximately 2.8 feet from the right-of-way, into a single family dwelling, whereas Town Code requires a 60 foot front setback.

Mr. Wright stated that the affidavit of posting of the sign was in the file and waived the reading of the public notice.

Mr. Wright asked the Board if they were all familiar with the property. The members stated they were.

Mr. Lopez stated that there are currently two structures on the property and that their intent was to convert the utility and equipment building into a residence and house horses in the barn.

Mr. Wright stated that there is a letter in the file from the property owner, Mr. Deluccio, which states the Lopez’ have permission to file this application subject to the conditions of the purchase offer. Mr. Wright asked what the conditions were relative to this application. Mr. Lopez stated the condition was that there not be new housing, and the Deluccios liked the idea of preserving the buildings. Ms. Lopez stated that the condition also stated that they were to use the footprint of the existing building and not add on to it. Mr. Lopez stated the structure is 1,548 square feet, and they plan to use small lofted areas to add to the living space. A discussion followed regarding the architecture and the fact that the building is built into the hill.

Mr. Lopez stated both buildings have water and electricity.

Mr. Wright stated the applicants were before the Board because the proposed residence did not meet the setback requirements.

A discussion followed regarding other barns in Town that have been converted into living space.

A discussion followed regarding the possible site plan and renovations. Ms. Lopez stated they have spoken to the CEO, and he doesn’t see any issues.

Mr. Lopez stated the barn is perfect for horses, and they would not be converting that building into a garage. He stated that they would build a separate garage.

Ms. Lopez stated they would be combining Lot 2 of the Deluccio subdivision with this portion of Lot 3. She stated that Lot 3 continued across Taylor Road and the 3.72 acres they wish to purchase would be split, via subdivision, from the acreage across the street.

Mr. Wright asked if there was any language in the purchase offer about the outside of the barn. Mr. Lopez stated the foot print needed to stay the same. Mr. Lopez stated they did not have any plans to make the building any taller.

Mr. Peckham asked if the Lopez’ would be occupying the converted structure. Mr. Lopez stated yes.

Mr. Peckham stated he had concerns regarding the structure being located so close to Taylor Road. A discussion followed. Mr. Lopez stated that the structure is built into the hill and is surprisingly separate from the road. A discussion followed regarding other homes in the area with close proximity to the road.

Mr. Wright stated that since the structure is so close to the road, he had a concern that the Lopez’ would need to have excavation equipment in the right of way. Mr. Lopez stated that power and water are already on the property. Ms. Lopez stated that there would be minimal excavation because the building already exists. Ms. Lopez stated that the leach field would require the most excavation. Ms. Lopez stated that most of the construction would be on the south side of the property.

Mr. Lopez stated the buildings were constructed in the late 1940’s. Mr. Peckham stated he had a concern with the building being so close to the road. A discussion followed regarding the Taylor Road/West Bloomfield Road intersection traffic. Mr. Lopez stated there are currently a few mature trees along the road and they have considered planting additional trees. Mr. Wright stated they would be in the right-of-way. Ms. Lopez stated they would talk to the highway superintendent prior to any landscaping.

A discussion followed regarding possible barriers that could be constructed and yet still maintain the historic character of the building. Mr. Jones stated that the Board cannot require that and that anything that is placed for that purpose could also increase the chance of injury. A discussion followed regarding safety issues and liability of the Town.

Mr. Jones asked if the barn has been used to house animals recently. Ms. Lopez stated not for some time. Mr. Jones stated that if they wish to house horses in the barn, they will need a variance for the setbacks. He stated that if they have up to 5 horses, the barn needs to be 100 feet from any property line. A discussion followed regarding the need for an additional variance.

Mr. Wright asked if the benefit could be achieved by any other means. Ms. Lopez stated no.

Mr. Wright asked if this would result in an undesirable change to the neighborhood. Ms. Lopez stated no.

Mr. Wright asked if this request was substantial. Ms. Lopez stated yes.

Mr. Wright asked if there were any adverse physical or environmental effects. Ms. Lopez stated no.

Mr. Wright asked if this was a self-created difficulty. Ms. Lopez stated yes. Mr. Lopez stated that the building is already there.

**MOTION**

Mr. Peckham moved, seconded by Ms. Sciortino, to close the public hearing.

**ADOPTED**

Mr. Wright – aye; Mr. Thorp –aye; Ms. Sciortino – aye; and Mr. Peckham – aye.

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Sciortino, to approve the minutes of the July 11, 2013 minutes, as written.

**ADOPTED**

Mr. Wright – aye; Mr. Thorp –aye; Ms. Sciortino – aye; and Mr. Peckham – aye.

A discussion followed regarding the application. Mr. Wright stated he would write the determination.

**MOTION**

Mr. Wright moved, seconded by Ms. Sciortino, to adjourn the meeting at 8:25.

**ADOPTED**

Mr. Wright – aye; Mr. Thorp –aye; Ms. Sciortino – aye; and Mr. Peckham – aye.