A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 26, 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

Don Irvine

ATTORNEY: Doug Jones

OTHERS: 1 other

Minutes were taken by Bonnie Toomey

Mr. Wright called the meeting to order at 7:03 p.m.

**LANZALACO AREA VARIANCE PUBLIC HEARING**

Mark Lanzalaco, 7 Portofino Circle, Henrietta, NY, appeared before the Board for an area variance at said property, consisting of 1.56 acres and bearing Tax Account No. 190.04-2.21, located in an RA-2 zone, to construct a 320 square foot shed approximately 15 feet from the side setback, whereas Town Code requires a 20 foot 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. Lanzalaco stated that he proposed to build a storage shed approximately 15 feet from the side setback. He stated that if it was built at the 20 foot required, it would cut into the septic leach field. He also stated that the neighbor’s pool house would almost be back to back to the shed and he feels it would complement the property.

Mr. Wright noted it was an extensive evaporation septic system and asked how far it was from the back of the property.

Mr. Lanzalaco stated it was almost closer to the rear than to the side.

Mr. Wright asked what the shed would be used for.

Mr. Lanzalaco stated primarily garden tools. They have two children and the three car garage is overwhelmed to the point it affects their quality of life. He also mentioned woodworking tools and patio furniture. He said they actually shrunk the size by four feet to try to comply but it wasn’t enough and any smaller structure would not suit their needs.

Mr. Wright asked if the shed is as described.

Mr. Lanzalaco stated 99 percent, the siding and roof matches the existing house and it is professionally built.

Mr. Wright asked about the construction, more specifically what the shed will be placed on.

Mr. Lanzalaco stated there will be a six or eight inch gravel base with six inch fiber reinforced cement slab.

Mr. Wright asked if there would be electric to the shed.

Mr. Lanzalaco stated not at this time.

Mr. Irvine asked if it was to be built on site or brought in and put on the slab.

Mr. Lanzalaco stated it would be built on site.

Mr. Irvine suggested Mr. Lanzalaco may need footers and he should check with the Building Inspector.

Mr. Lanzalaco will talk to him in detail when he gets the permit.

Mr. Wright clarified no lights and no water.

Mr. Lanzalaco stated no to both.

Mr. Irvine stated that Mr. Lanzalaco has a huge front yard and that he has no problem with it and sure it will fit in.

There were no other questions from the Board.

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

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

Mr. Wright asked if this request was substantial. Mr. Lanzalaco stated no.

Mr. Wright asked if there were any adverse physical or environmental effects. Mr. Lanzalaco stated definitely not.

Mr. Wright asked if this was a self-created difficulty. Mr. Lanzalaco stated no.

No Public for Comment.

**MOTION**

Mr. Irvine moved, seconded by Mr. Wright, to close the public hearing.

**ADOPTED**

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

Mr. Wright advised Mr. Lanzalaco that they normally would have a decision at the subsequent meeting but they may be able to work on it and if the decision is resolved tonight Mr. Lanzalaco could call tomorrow for the determination.

Mr. Lanzalaco stated he would appreciate a decision.

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Sciortino, to approve the minutes of the September 11, 2013 meeting as amended.

**ADOPTED**

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

LANZALACO DETERMINATION

Ms. Sciortino moved, seconded by Mr. Wright, that the area variance requested by Mark Lanzalaco, 7 Portofino Circle, Henrietta, NY, a 1.56 acre parcel in a RA-2 zone, bearing Tax Account No. 190.04-2.21, to construct a 320 square foot shed approximately 15 feet from the west side property line instead of the 20 feet required by code be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Mark Lanzalaco appeared before the Zoning Board of Appeals at the public hearing on September 26, 2013.
2. The Lanzalaco home has a very large evaporation bed septic system that spans most of the width of the rear yard and extends a substantial distance toward the back property line.
3. The proposed location for the shed is affected by the west side margins of the evaporation bed; at locations further from the west side property line the soil exhibits the wet condition associated with an evaporation septic system.
4. The adjoining property to the west contains a pool house and swimming pool in the vicinity of the proposed Lanzalaco shed, and the adjoining house only has one window facing east.
5. No members of the general public appeared at the public hearing.

**CONCLUSIONS OF LAW**

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

**MOTION**

Ms. Sciortino moved, seconded by Mr. Wright, to approve the Lanzalaco Area Variance Determination.

**ADOPTED**

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

Mr. Wright stated that the next meeting is October 10, 2013. Mr. Jones clarified that the issue is a kennel having dogs in the front yard. The variance is regarding a special use permit. There was a discussion as to what issue the Board will consider.

**MOTION**

Mr. Irvine moved, seconded by Mr. Wright, to adjourn the meeting at 7:30 p.m.

**ADOPTED**

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