A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 24, 2013, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Kevin Wright, Chair

 Liz Sciortino

 Bruce Peckham

 Don Irvine

ABSENT: Don Thorp

ATTORNEY: Doug Jones

OTHERS: No others

Minutes were taken by Bonnie Toomey

Mr. Wright called the meeting to order at 7:04 p.m.

**POLISSENI DETERMINATION**

Mr. Peckham moved, seconded by Mr. Wright, that the application of Margaret Polisseni of 1535 West Bloomfield Road, Honeoye Falls, owner of this property bearing Tax Account No. 223.03-1-37, consisting of 5.56 acres for an area variance at said property from the provisions of Chapter 200-38(12)(f) relating to dogs in the front yard in fenced in areas be granted based upon the following Findings of Fact and Conclusions of Law:

Findings of Fact:

1. The applicant appeared at the public hearing of the Zoning Board of Appeals on October 24, 2013.

2. The applicant has a pending application before the Planning Board under Chapter 200-38(12) for a kennel to house her six dogs.

3. The matter was referred to the Zoning Board of Appeals to resolve issues relating to subsection (f) as it pertains to an “invisible fence” dog control system which is located in the front yard and an actual fence located along the road fronting the residence.

4. The “invisible fence” consists of a wire buried below the surface of the ground which interacts with electronic collars around the dogs’ necks to prevent them from crossing the wire by means of electric shocks. It is located as shown on the applicant’s application which is part of the record.

5. There also exists a conventional fence along the road frontage which is not used to contain the applicant’s dogs.

Conclusions of Law:

1. An “invisible fence” is not a fence as defined in Chapter 86 as it is not a structure as defined in Chapter 86.

2. The other fence in the front yard is not used to contain the dogs and is thus irrelevant to the application.

3. The granting of this application will have no change in the character of the locality.

4. There are no other reasonable methods to achieve what the applicant desires.

5. The degree of variance sought is insignificant.

6. There is no negative effect on physical or environmental conditions in the locality.

7. The difficulty is self-created.

8. This is a Type II action under SEQR.

**MOTION**

Mr. Peckham moved, seconded by Mr. Wright, to approve the Polisseni Area Variance Determination.

**ADOPTED**

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

**MINUTES**

**MOTION**

Mr. Wright moved, seconded by Mr. Irvine, to approve the minutes of the October 10, 2013 meeting as amended.

**ADOPTED**

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

**MOTION**

Mr. Wright moved, seconded by Ms. Sciortino, to adjourn the meeting at 7:12 p.m.

**ADOPTED**

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