A Regular Meeting of the Zoning Board of Appeals was held on Thursday, June 25, 2015, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Kevin Wright

 Bruce Peckham

 Liz Sciortino

 Meribeth Palmer

 Daniel Bassette

ABSENT: Jeffrey Clark

ATTORNEY: Sheldon Boyce

OTHERS: David and Cynthia Remley

Minutes were taken by Bonnie Toomey.

Mr. Wright opened the meeting at 7:00 p.m.

**REMLEY AREA VARIANCE PUBLIC HEARING**

David and Cynthia Remley, 437 Pond Road, Honeoye Falls, NY, appeared before the Board for an area variance at said property, consisting of 19.84 acres bearing Tax Account No. 205.03-1-13.1, located in an RA-5 zone, to allow a setback of approximately 70 feet on the east property line for construction of an indoor riding arena, which will be attached to the barn, whereas Town Code requires a 150 foot setback for a structure housing more than 5 animals.

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. Remley stated they applied for the area variance to include an addition to the south side of the current barn and an indoor riding arena for carriage horse training. Mr. Remley stated the reason for the layout is aesthetics and function. Cost for excavation is not feasible in the area of old walnut trees on the property.

Mr. Wright asked if the area variance was for 437 Pond Road, how old the house was and if the barns were the same vintage.

Mr. Remley verified the Pond Road address, the first section of the house was built in 1847 and the barns were not built at the same time.

Mr. Wright asked if the house was registered in any way.

Mr. Remley and Mrs. Remley were not sure.

Mr. Wright asked if they currently have six horses.

Mr. Remley stated that they have two now but would like to build a team of carriage horses for private use.

Ms. Sciortino asked where they would store the carriages.

Mr. Remley referred to the map indicating a one story shed.

Mr. Wright asked if the size requested was the required size for a carriage riding arena.

Mr. Remley stated that he would like larger but this was adequate.

Mr. Wright asked if there was water and electric and Ms. Sciortino asked if he was on a well.

Mr. Remley answered yes to both.

There was discussion regarding the creek on the property referring to the map and concluding it was more of a run off type versus spring fed.

There was discussion on neighbors (Pilchers and Walters) and their proximity to the property line.

Mr. Wright asked about storm water issues.

Mr. Remley referred to his map and talked about rooflines and drain tiles.

Mr. Wright and Ms. Sciortino asked about building height and noted the cupola adds to the height. Cupolas may be needed for ventilation.

Mr. Peckham asked if the finish would be the same as the existing building.

Mr. Remely stated it would be pretty much the same.

Ms. Sciortino asked about the roof. Mr. Remley stated it would not be wood but charcoal metal to match.

Mr. Bassette asked about the number of horses and if they had a connection to Walnut Hill. There was a discussion about the horses and numbers preferred and that Walnut Hill was started by Mr. Remley’s father in 1971. Mr. Remley stated he and his sister are trying to keep it going, and this is the 44th year.

Mr. Boyce asked if the property was in the agricultural district and discussed under the Right to Farm Law there may not be a need for the variance. The Remleys indicated that they do not qualify.

There were no other questions.

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

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

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

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

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

**MOTION**

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

**ADOPTED**

Mr. Wright – aye; Ms. Sciortino – aye; Mr. Peckham – aye; Ms. Palmer – aye; Mr. Bassette – aye.

**MINUTES**

**MOTION**

Mr. Wright moved, seconded by Ms. Sciortino, to approve the minutes of the February 26, 2015 meeting as written.

**APPROVED**

Mr. Wright – aye; Ms. Sciortino – aye; Mr. Peckham – aye; Ms. Palmer – aye; Mr. Bassette – abstained.

  **REMLEY DETERMINATION**

Mr. Wright moved, seconded by Ms. Palmer, that the area variance requested by David and Cynthia Remley, 437 Pond Road, Honeoye Falls, NY for a variance at said property, consisting of 19.84 acres, bearing Tax Account No. 205.03-1-13.1, located in an RA-5 zone to allow a setback of approximately 70 feet on the east property line for construction of an indoor riding arena, which will be attached to the barn, whereas Town Code requires a 150 foot setback for a structure housing more than 5 animals, be approved based on the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. David and Cynthia Remley appeared before the Zoning Board of Appeals at the public hearing on June 25 2015.
2. The Remley property at 437 Pond Road is a classic example of a 19th century rural Mendon property. The homestead is a cobblestone and frame structure built at the time of the construction of the Erie Canal. The homestead is to the west of the existing barns and the proposed riding arena, with a clear view over fenced pastures to the south.
3. The existing barns are slightly prior non-conforming, with their southeast corner approximately 145 feet from the property line.
4. The proposed barn expansion is to the south of the existing barn and connected to it. The proposed riding arena is to the east of barn expansion, and connected to the barn addition. The purpose is to create an all-weather equestrian facility.
5. The homestead, existing barn, proposed barn, and proposed riding arena are all parallel to or perpendicular to Pond Road. The east property line, however, does not come off Pond Road at a 90 degree angle; the angle is about 70-75 degrees toward the west. Hence the further south the proposed riding arena is located, the closer it gets to the east property line.
6. The east property line is basically parallel to a stream on the adjoining property. The stream in the area of the proposed riding arena would be about 150 feet from the closest building corner. The adjoining property in the area of the stream is undeveloped, and the nearest home is not visible. In effect, the stream creates a natural buffer on the east side of the Remley property.
7. The proposed riding arena building plan includes provision for stormwater drain tiles to mitigate the flow from the roof. Other areas on the Remley property are not as easily drained, and would require fill for construction.

**CONCLUSIONS OF LAW**

1. The benefit David and Cynthia Remley are attempting to achieve cannot be achieved by other means, and is consistent with the Town of Mendon Comprehensive Plan regarding historic preservation and scenic vistas.
2. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
3. The request is substantial.
4. The request will not have adverse physical or environmental effects.
5. The difficulty is self-created.
6. This is Type II action under SEQR.

**Adopted**

Mr. Wright – aye; Ms. Sciortino – aye; Mr. Peckham – aye; Ms. Palmer – aye; Mr. Bassette – aye.

There are no applications for the July 9, 2015 meeting at this time.

**MOTION**

Mr. Bassette moved, seconded by Mr. Wright, to adjourn the meeting at 8:05 p.m.

**ADOPTED**

Mr. Wright – aye; Ms. Sciortino – aye; Mr. Peckham – aye; Ms. Palmer – aye; Mr. Bassette – aye.