A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 8, 2015, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Kevin Wright

Bruce Peckham

Meribeth Palmer

Daniel Bassette

ATTORNEY: Jeffrey Clark

ABSENT: Liz Sciortino

OTHERS: Mark Hellems, Nathan Sirvent

Minutes were taken by Michelle Booth.

Mr. Wright opened the meeting at 6:59 p.m.

**HELLEMS AREA VARIANCE PUBLIC HEARING**

Mark Hellems, 561 Parrish Road, Honeoye Falls, NY came before the Board for a variance at said property, consisting of 2.872 acres, bearing Tax Account No. 231.01-1-13, located in an RA-1 zone, to construct a 24’ x 36’ pole barn with a side setback of 5 feet, whereas Town Code requires a 20 foot side 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. Wright asked who owns the North property. Mr. Hellems stated that the Water Authority owns it.

Mr. Hellems stated that he would be using the existing driveway to access the barn.

Mr. Wright stated that because the north property was owned by the Water Authority that they might need to make the proper notifications to build in the requested area.

Mr. Wright determined that the adjoining land is an EPOD.

Mr. Hellems stated that this is the only flat area to build the barn. He said it would have electric but no water.

Mr. Wright inquired about where the rain water from the roof would go. Mr. Hellems said there is an awning on the west side but the rain water runoff would be divided half and half due to the peaked roof.

There was discussion about moving the barn farther away from the property line but Mr. Hellems stated that it would be too close to the house.

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

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

Mr. Wright asked if this request was substantial. Mr. Hellems stated yes.

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

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

There were no other questions.

The board decided to leave the public hearing open until the next meeting to allow Mr. Clark to research the proper notification requirements.

**SIRVENT AREA VARIANCE PUBLIC HEARING**

Nathan and Kimberly Sirvent, 400 Lanning Road, Honeoye Falls, NY, for an area variance at said property, consisting of 5 acres, bearing Tax Account No. 230.03-1-4.12, located in an RA-5 zone, to allow construction of an accessory structure with a front setback of 52 feet, whereas Town Code requires a 60 foot front setback from a Town or County Road.

There was discussion about Mr. Wright living close to this property. Mr. Wright and Mr. Sirvent both agreed on record that they have had no previous discussion about this variance. They have no prior relationship, so Mr. Wright will continue to chair the meeting having determined there is no conflict of interest.

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.

Nathan Sirvent was present for the meeting.

Mr. Wright acknowledged a previous variance from 2007 that was approved to the previous owners.

There was discussion regarding the change in set back and the rezoning of the property since the last variance was issued.

Mr. Sirvent stated that he wants the house and garage on the same plane to make it look architecturally sound.

Mr. Wright asked about the upper level of the garage. Mr. Sirvent stated that it would have electric, no water or heat.

Mr. Peckham asked if the garage would be attached to the house. Mr. Sirvent stated no.

Mr. Wright inquired about the driveway. Mr. Sirvent stated that it is gravel.

Mr. Bassette asked if the new garage would block access to the existing barn. Mr. Sirvent said no.

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

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

Mr. Wright asked if this request was substantial. Mr. Sirvent stated yes.

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

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

There were no other questions and the determination will be made at the next meeting.

**MOTION**

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

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Palmer, to approve the amended minutes of the September 24, 2015 meeting.

**APPROVED**

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

There was discussion regarding Hellems and Sirvent properties.

Mr. Bassette will write the Sirvent determination.

Ms. Palmer will not be at the next meeting.

Mr. Peckham discussed the Chapman application as it related to the criteria of

substantial change to the neighborhood. Mr. Wright stated that the application has been withdrawn.

The next meeting is scheduled for October 22, 2015.

**MOTION**

Mr. Peckham moved, seconded by Ms. Palmer, to adjourn the meeting at 7:57 p.m.

**ADOPTED**

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