A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 22, 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

 Daniel Bassette

ABSENT: Meribeth Palmer, Attorney: Jeffrey Clark

OTHERS: 3 others

Minutes were taken by Michelle Booth.

Mr. Wright opened the meeting at 7:02 p.m.

**CALLAHAN AREA VARIANCE PUBLIC HEARING**

Sam Gruttadaurio was in attendance to represent Ryan Callahan, 15 Carolina Drive, Honeoye Falls, NY, for an area variance at said property, consisting of 5 acres, bearing Tax Account No. 191.4-1-8.26, located in an RA-5 zone, to allow construction of a driveway gate where the highest point of the gate is 6 feet, whereas Town Code states a fence in the front yard may not exceed 4 feet in height.

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 about the gate and if there would be any lighting. Mr. Gruttadaurio stated that the gate was primarily for security. He provided pictures to the Board. He explained that the gate would be approximately 140ft from the road. It would be controlled from the house and a keypad would be available for the Fire Department to use in case of an emergency. The lighting would be on the stone posts on each side of the gate.

Mr. Wright expressed concern about the lights due to Mendon having a dark skies policy. Mr. Gruttadaurio explained that timers would be used to control the lighting.

Mr. Bassette asked about a fence on the property. Mr. Gruttadaurio says that there is no fence; the gate is utilized with natural vegetation for security.

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

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

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

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

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

There were no public comments.

**MOTION**

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

**APPROVED**

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

**HELLEMS AREA VARIANCE PUBLIC HEARING CONTINUED**

Mark Hellems was in attendance for, 561 Parrish Road, Honeoye Falls, NY 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.

There was discussion about the adjoining property being notified. Supervisor John Moffitt spoke on behalf of Mary Fletcher, who stated that adjoining properties do not need to be notified.

There were no other questions.

**MOTION**

Mr. Wright moved, seconded by Ms. Sciortino, to end the public hearing.

**APPROVED**

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

**SIRVENT AREA VARIANCE DETERMINATION**

Mr. Bassette moved, seconded by Mr. Peckham, that the area variance requested by 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, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Mr. Sirvent, the property owner, appeared before the Zoning Board of Appeals at the public hearing on October 8, 2015.
2. Mr. Sirvent has requested a front setback of 52 feet, to allow him to construct a garage that is aligned with the front of his house. Aligning the new garage with the existing structure will help maintain the character of the neighborhood.
3. On June 14, 2007, under a previous owner (Ms. Wehle), the property received a variance for the house to have a front setback of 58 feet.
4. The difference of house setback of 58 feet and garage setback of 52 feet is caused by the existing structure not being parallel to the road.
5. No members of the public commented on the variance application at the public hearing.

**CONCLUSIONS OF LAW**

1. The benefit can**not** be found through other feasible means.
2. The request will **not** have an undesirable change in the neighborhood.
3. The request is **not** substantial.
4. The request will **not** have adverse physical or environmental effects.
5. The difficulty was **not** self-created, as a previous variance created a nonconforming situation.
6. This is a Type II action under SEQR.

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham, to accept the determination as written.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham, to approve the amended minutes of the October 8, 2015 meeting.

**APPROVED**

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

**DISCUSSION**

**CALLAHAN DETERMINATION**

Mr. Wright moved, seconded by Ms. Sciortino, that the area variance requested Ryan Callahan, 15 Carolina Drive, Honeoye Falls, NY, for an area variance at said property, consisting of 5 acres, bearing Tax Account No. 191.4-1-8.26, located in an RA-5 zone, to allow construction of a driveway gate where the highest point of the gate is 6 feet, whereas Town Code states a fence in the front yard may not exceed 4 feet in height, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. A representative of Lordan Development, Mr. Sam Gruttadaurio, appeared before the Zoning Board of Appeals at the public hearing on October 22, 2015 on behalf of Ryan Callahan. Mr. Gruttadaurio is the contractor on the proposed driveway gate.
2. The property and home site at 15 Carolina Drive are in a secluded location at the farthest east point of Carolina Drive. Carolina Drive is a dead-end road off Mendon Center Road. Carolina Drive ends in a cul de sac, and a 15 Carolina Drive has a lengthy driveway from the cul de sac to the home site.
3. The proposed driveway gate is a security gate to be controlled by the residents of 15 Carolina Drive. It will include cameras and lights for identity purposes. Access will be remotely controlled.
4. The proposed location of the gate is about 140 feet from the Carolina Drive cul de sac and the front property line of 15 Carolina Drive.

**CONCLUSIONS OF LAW**

1. The benefit Ryan Callahan 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 because the location of the gate, although in the front of the property, is a significant distance from Carolina Drive.
4. The request will not have adverse physical or environmental effects.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham, to approve the amended determination.

 **APPROVED**

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

**HELLEMS DETERMINATION**

Mr. Wright moved, seconded by Mr. Bassette, that the area variance requested by Mark Hellems, 561 Parrish Road, Honeoye Falls, NY 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, be approved based on the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Mark Hellems appeared before the Zoning Board of Appeals at the public hearing on October 8 and October 22, 2015.
2. The Hellems property, although in the Town of Mendon, is “landlocked”; that is, it is only accessible from a private road, Turkey Run, in the Town of Victor. Although the address for the property is 561 Parrish Road, it does not front on Parrish Road. Turkey Run is accessed from Parrish Road at the Mendon-Victor line.
3. The property has only one visible developed neighbor. That neighbor’s property adjoins the Hellems property to the south. It is also in the Town of Mendon, is landlocked too, and has a Parrish Road address.
4. The proposed pole barn site, and the variance requested, is adjacent to the north property line. The property to the north is undeveloped and is part of a Monroe County Water Authority parcel that includes a reservoir a significant distance to the west of the Hellems property. The Water Authority parcel and reservoir are accessed from Parrish Road about 2,000 feet to the west of Turkey Run.
5. A significant portion of the Hellems property is subject to the conditions of two Town of Mendon Environmental Protection Districts (EPODS), Steep Slopes and Woodlot Protection. The proposed pole barn site is the only cleared, flat area, with access to the existing driveway, that doesn’t conflict with the home site or the EPODS.
6. Monroe County Water authority approval of building the pole barn at the proposed location is not required.
7. No members of the public appeared at the public hearing.

CONCLUSIONS OF LAW

1. The benefit Mark Hellems is attempting to achieve cannot be achieved by other means, and is consistent with the Town of Mendon’s EPOD development restrictions.
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 a Type II action under SEQR.

**MOTION**

Mr. Wright moved, seconded by Mr. Bassette, to approve the determination as amended.

 **APPROVED**

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

Mr. Bassette discussed the recent training he went to and provided information to everyone.

Mr. Wright expressed his intent to resign from the Board as of January 1, 2016.

The next meeting is scheduled for November 12, 2015.

**MOTION**

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

**ADOPTED**

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