A Regular Meeting of the Zoning Board of Appeals was held on Thursday, December 10, 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:

ATTORNEY: Jeffrey Clark

OTHERS: Barry and Linda Romig

Minutes were taken by Michelle Booth.

Mr. Wright opened the meeting at 7:01 p.m.

**ROMIG AREA VARIANCE PUBLIC HEARING**

Barry and Linda Romig, 386 Taylor Road, Honeoye Falls, NY, were present for an area variance at said property, consisting of 1.8 acres, bearing Tax Account No. 216.04-1-24, located in an RA-1 zone, to allow construction of a utility shed 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 opened the Public Hearing.

Mr. and Mrs. Romig described their plans to the board. They would be replacing the old shed with a new one. The old building is an eye sore. It will be built on a floating slab. There will not be any electric or water run to the structure at this time.

Mr. Wright and Mr. Romig discussed the placement of the shed in regards to the septic lines.

Mr. Peckham asked of the equipment being stored in the shed was household items. Mr. Romig said yes.

Mr. Bassett asked how far the old shed was from the property line compared to how far the replacement would be. This was discussed amongst the board.

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

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

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

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

Mr. Wright asked if this was a self-created difficulty. Mr. Romig stated yes.

There were no other questions or comments.

**MOTION**

Ms. Sciortino moved, seconded by Ms. Palmer, 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 October 22, 2015 meeting as amended.

**APPROVED**

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

  **ROMIG DETERMINATION**

Mr. Wright moved, seconded by Mr. Peckham, that the area variance requested by Barry and Linda Romig, 386 Taylor Road, Honeoye Falls, NY, a 1.8 acre property, bearing Tax Account No. 216.04-1-24, located in an RA-1 zone, to construct a utility shed 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, with a condition:

**FINDINGS OF FACT**

1. Barry and Linda Romig appeared before the Zoning Board of Appeals at the public hearing on December 10, 2015.
2. The Romig property has an existing utility shed that is located along the east property line toward the rear of their lot. That shed, which is in disrepair, is only 2 feet from the side property line.
3. The Romig property, along with others along Taylor Road in the immediate area, backs up to the Mendon Country Club, and so has unrestricted views to the south. The Romigs current utility shed, however, is located in such a manner that it restricts the views of their neighbor to the east.
4. The proposed utility shed site, and the variance requested, is adjacent to the Romig home and garage. The site is much closer to Taylor Road, and has the advantage that it does not restrict the view of the neighbor to the east.
5. The east property line of the Romig lot is already delineated by a low stone wall and evergreens that screen the garage (and the proposed utility shed site) from the neighbors to the east.
6. The ZBA received a letter from Clay and Emmy Hillegeer, 392 Taylor Road, indicating that they believe the new utility shed site would be a significant improvement for them, enhancing their view to the south and replacing an unsightly building with one much more attractive. The Hillegeers own the adjoining property to the east of the Romigs.
7. No other members of the public appeared at the public hearing.

**CONCLUSIONS OF LAW**

1. The benefit Barry and Linda Romig are 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 substantial. Although this variance will replace one nonconforming building with another only slightly less nonconforming, the new site and proposed utility shed are significantly more attractive than the shed being replaced.
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.

**CONDITION**

That the existing shed be removed from the property within 30 days of the completion of the new utility shed.

**ADOPTED**

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

**MOTION**

Mr. Wright moved, seconded by Ms. Sciortino, to adjourn the meeting at 7:58 p.m.

**ADOPTED**

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