A Regular Meeting of the Zoning Board of Appeals was held on Thursday, February 25, 2016, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

Liz Sciortino

Daniel Bassette

Clayton Lacey

ABSENT: Meribeth Palmer

ATTORNEY: Jeffrey Clark

OTHERS: Robert Berkman, Daena Ford

Minutes were taken by Michelle Booth.

Mr. Peckham opened the meeting at 6:57p.m.

**FORD AREA VARIANCE PUBLIC HEARING – SETBACK AND ACREAGE**

Daena Ford, 185 Pond Road, Honeoye Falls, appeared for an area variance at said property, near the Pond Road and Mendon Center Road intersection, consisting of 0.87 acres and bearing Tax Account No 204.04-1-60, located in an RA-5 zone, to allow them to construct a bird enclosure, measuring 24’ x 16’ x 10’ with a side setback of 24 feet, whereas Town Code requires a setback of 50 feet, and to allow them to have 6 or fewer gamebirds , whereas Town Code requires a minimum lot size of 1 acre.

Mr. Peckham stated that the affidavit of posting of the sign was in the file and waived the reading of the public notice.

Mrs. Ford described her plans and presented drawings of the proposal.

* Birds would be for educational purposes, not on her property, she would transport them elsewhere. She works with Braddox Bay Raptor Research group.
* Setback variance is requested due to the location of the leach field and trees on the property.
* Mrs. Ford intends to become licensed federally and by the state to house the birds. She must show completed enclosure before licensing will be approved.
* No electric or water will be run to enclosure.

The board had no more questions.

Rob Berkman, 8 Parkview Manor, asked how many birds she would have. He asked if other animals would bother the birds or if they would produce a lot of odor. He also inquired about future owners being able to use the enclosure for other animals.

**MOTION**

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

**ADOPTED**

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

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Sciortino, to approve the minutes of the December 10, 2015 meeting as submitted.

**APPROVED**

Ms. Sciortino – aye; Mr. Peckham – aye; Mr. Bassette – aye; Mr. Lacey – abstained, he was not at the last meeting.

**GENERAL DISCUSSION**

The board discussed the Ford variance information and read the determination.

**FORD AREA VARIANCE DETERMINATION**

**LOT SIZE**

Mr. Peckham moved, seconded by Mr. Bassette, that the request by Randy and Daena Ford, 185 Pond Road, Honeoye Falls, for an area variance at said property, near the Pond Road and Mendon Center Road intersection, consisting of 0.87 acres and bearing Tax Account No 204.04-1-60, located in an RA-5 zone, to allow them to have 6 or fewer gamebirds with a lot size of 0.87 acres, whereas Town Code requires a minimum lot size of 1 acre, be approved based on the following findings of fact and conclusions of law with a condition:

**FINDINGS OF FACT:**

1. Deana Ford appeared before the Zoning Board of Appeals at the public hearing on February 25, 2016.
2. The Fords wish to construct an accessory structure measuring 24 feet by 16 feet to be placed in the rear of their residence along the west property line. The proposed site would place the shed 24 feet from the property line.
3. The placement is mandated by the size of their lot (.87 acres) and to avoid encroachment on the septic system and leach field at the rear of the house.
4. The size of the structure is mandated by its intended use – namely the housing of a maximum of four raptors which will be placed with the Fords for rehabilitation purposes, and will reside permanently if rehabilitation to the wild is not possible. State and Federal wildlife agency permits require a shelter of the size proposed.
5. Mrs. Ford has experience as a wildlife rehabilitator and is familiar with site maintenance techniques. Once established the birds will be available for offsite educational demonstrations.
6. The permit/licensing process requires that an enclosure built to required standards be in place before approval from the appropriate authorities.
7. The west border of the property is substantially shielded from the adjoining residential property by a stand of mature pines. The southern and eastern borders also offer substantial cover.
8. A rendering of the structure is provided for the file demonstrating a utilitarian design constructed of wood and wire.

**CONCLUSONS OF LAW:**

1. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
2. The request will not have adverse physical or environmental effects.
3. The benefit the Fords are attempting to achieve cannot be achieved by other means.
4. The request is not substantial.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.

**CONDITION**

1. Shelter will not harbor more than 4 birds.

**ADOPTED**

Ms. Sciortino – aye; Mr. Peckham – aye; Mr. Bassette – aye; Mr. Lacey - aye.

**FORD AREA VARIANCE DETERMINATION**

**SETBACK**

Mr. Peckham moved, seconded by Mr. Lacey, that the request by Randy and Daena Ford, 185 Pond Road, Honeoye Falls, for an area variance at said property, near the Pond Road and Mendon Center Road intersection, consisting of 0.87 acres and bearing Tax Account No 204.04-1-60, located in an RA-5 zone, to allow them to construct a bird enclosure, measuring 24’ x 16’ x 10’ with a side setback of 24 feet, whereas Town Code requires a setback of 50 feet., be approved based on the following findings of fact and conclusions of law with a condition:

**FINDINGS OF FACT:**

1. Deana Ford appeared before the Zoning Board of Appeals at the public hearing on February 25, 2016.
2. The Fords wish to construct an accessory structure measuring 24 feet by 16 feet to be placed in the rear of their residence along the west property line. The proposed site would place the shed 24 feet from the property line.
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5. Mrs. Ford has experience as a wildlife rehabilitator and is familiar with site maintenance techniques. Once established the birds will be available for offsite educational demonstrations.
6. The permit/licensing process requires that an enclosure built to required standards be in place before approval from the appropriate authorities.
7. The west border of the property is substantially shielded from the adjoining residential property by a stand of mature pines. The southern and eastern borders also offer substantial cover.
8. A rendering of the structure is provided for the file demonstrating a utilitarian design constructed of wood and wire.

**CONCLUSONS OF LAW:**

1. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
2. The request will not have adverse physical or environmental effects.
3. The benefit the Fords are attempting to achieve cannot be achieved by other means.
4. The request is substantial.
5. The difficulty is self-created.
6. This is a Type II action under SEQR.

**CONDITION**

1. The shelter will not harbor more than 4 birds.

**ADOPTED**

Ms. Sciortino – aye; Mr. Peckham – aye; Mr. Bassette – aye; Mr. Lacey - aye.

They talked about a flow chart of the meetings.

**MOTION**

Mr. Peckham moved, seconded by Mr. Bassette, to adjourn the meeting at 7:41 p.m.

**ADOPTED**

Ms. Sciortino – aye; Mr. Peckham – aye; Mr. Bassette – aye; Mr. Lacey - aye.