A Regular Meeting of the Zoning Board of Appeals was held on Thursday, May 26, 2016, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

Meribeth Palmer

Daniel Bassette

Clayton Lacey

ABSENT: Liz Sciortino

ATTORNEY: Jeffrey Clark

OTHERS: None

Minutes were taken by Michelle Booth.

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

**HAMILTON AREA VARIANCE PUBLIC HEARING**

Donald Hamilton was present for, 90 Parrish Road, Honeoye Falls, NY, consisting of 10 acres, bearing Tax Account No. 230.1-1-6.2, located in an RA-5 zone, for an area variance to construct a 28 foot by 40-foot barn 20 feet from the front property line whereas Town Code requires a 60-foot setback from the front property line.

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

The Board was familiar with the application and location.

Mr. Hamilton presented a picture of what the barn will look like. It will be used for storage of lawn care equipment. No animals will be housed in the barn. The barn will not be used for business and no hazardous materials will be kept inside. There is no plan to run electric or lights to the barn at this time.

Mr. Hamilton stated that there is limited land that is level enough for the building. The building will be about 10-12 foot above the existing buffer, no grading will be needed, and the buffer will not be disturbed at all.

Storm water will continue to run into the creek behind the home as it always has. There will be gutters on the barn.

There is an existing storage shed on the property that is only being used until the new one is ready to use. The temporary shed will be removed after building is finished.

The principle reasons for a substantial variance are as follows:

* There are steep banks on the other side of the property.
* There is a stone driveway already present from previous owners
* Mr. Hamilton does not want to disturb the forestry around the property.

There were no other questions from the Board.

**MOTION**

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

**ADOPTED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Palmer – aye; and Mr. Lacey – aye.

**HAMILTON AREA VARIANCE DETERMINATION**

Mr. Bassette moved, seconded by Ms. Palmer, that the request by Donald Hamilton, 90 Parrish Road, Honeoye Falls, NY, for an area variance at said property, consisting of 10 acres, bearing Tax Account No. 230.1-1-6.2, located in an RA-5 zone, to construct a 28 foot by 40 foot barn 20 feet from the front property line whereas Town Code requires a 60 foot setback from the front property line, be approved based on the following findings of fact and conclusions of law with conditions:

**FINDINGS OF FACT**

1. Donald Hamilton appeared before the Zoning Board of Appeals at the public hearing on May 26, 2016.
2. The proposed two story barn is to be placed along the southern property line, which parallels Parish Road and serves as the front property line of this 10 acre RA-5 property. The construction site is approximately 200 feet from southwest corner of Hamilton’s primary residence.
3. Hamilton desires placement of the structure as a matter of convenience and geography due to the slope of the land and the location of the septic. The area of the property already contains a large improved gravel area off the main driveway. A temporary frame shed occupies the site at present.
4. The barn will house vehicles, personal property and lawn equipment common to a 10 acre suburban residential property. Hamilton reports no commercial equipment or materials will be housed in the barn.
5. The proposed construction site is estimated to be 10 to 12 feet above the level of Parish Road and extensively buffered by natural growth along the property line, thereby mitigating, to a degree, the visual effect of the site from points on the south side of the property.
6. No one from the public appeared for this application.

**CONCLUSIONS OF LAW**

1. The granting of this variance will not create an undesirable change in the neighborhood or to nearby properties.
2. The request will not have adverse physical or environmental effects.
3. The benefit Mr. Hamilton is 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.

**CONDITIONS**

1. The existing frame shed will be removed within sixty days after completion of the construction of the 40 foot by 28 foot barn.
2. The existing natural visual buffer of trees and/or brush will be maintained parallel to the southern property line. It will be located behind the 40 foot by 28 foot barn and situated between the rear of the barn and the southern property line. The length of the buffer will be sufficient to extend a minimum of 20 feet beyond the southwest corner and the southeast corner of the barn.

**MOTION**

Mr. Bassette moved, seconded by Ms. Palmer to approve the variance with conditions as read.

**ADOPTED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Palmer – aye; and Mr. Lacey – aye.

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Palmer, to approve the minutes of the February 26, 2016 meeting as amended.

**APPROVED**

Ms. Palmer – aye; Mr. Peckham – aye; Mr. Bassette – aye; and Mr. Lacey – aye.

**GENERAL DISCUSSION**

Mr. Peckham stated that new determinations will be split amongst each planning board member in the future.

Mr. Bassette reported that he has information from recent trainings if anyone is interested.

**MOTION**

Ms. Palmer moved, seconded by Mr. Lacey, to adjourn the meeting at 7:39 p.m.

**ADOPTED**

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