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

ATTORNEY: Jeffrey Clark

OTHERS: John Hagreen, Mike Allen

Minutes were taken by Michelle Booth.

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

**ALLEN USE VARIANCE PUBLIC HEARING**

Mike and Vicki Allen, P.O. Box 309, Mendon, NY, for a use variance at 3902 Rush Mendon Road, Mendon, NY, consisting of 0.39 acres, bearing Tax Account No. 216.07-1-5, located in a Business zone, to convert a single family dwelling to a 2-Unit dwelling which requires a use variance.

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. Lacey expressed that he knows the resident of the home socially but it will have no impact on his decision.

Mr. Allen stated that he bought the property a few years ago as a single family home. He was losing money only having one tenant and needed to convert to a two family to make ends meet. He says that everything is up to code.

Ms. Sciortino asked if the real estate taxes would go up. Mr. Allen stated that he was not sure; the property was currently assessed at $140,000.

Mr. Peckham asked when he purchased the home. Mr. Allen stated it was bought in December of 2013.

Mr. Clark asked if the property was purchased to be used as a rental. Mr. Allen confirmed this and said that he had never occupied the premise.

Mr. Allen stated that he decided to convert to a two family after about a year. He has two sets of good tenants and has experience because he has rentals in other locations also.

Mr. Clark asked if he was aware of the Zoning when he purchased. Mr. Allen stated no, he actually believed it had mixed classifications.

Mr. Bassette asked why the utilities are estimated at three times more than the original single family home. Mr. Allen explained that when the property was a single family, that figure was based on a partial because he paid the remaining balance of all the utilities.

Mr. Peckham questioned why he figured his maintenance and repairs so high. Mr. Allen stated that it included the upgrades and renovations. He believes they would be about $2000 a year going forward, and this would include the snow removal and trash pickup.

Ms. Sciortino asked if the maintenance and repairs could be written off on his taxes. Mr. Allen says yes.

Ms. Sciortino also asked about the parking situation. Mr. Allen says the driveway will handle five cars.

Mr. Peckham reported that there has been a van parked on the side of the road, this will cause issues when the snow plows come through. Mr. Allen stated that he will address the situation and possibly consider restricting vehicles per tenant.

The board and Mr. Allen talked about whether he had ever tried renting it out commercially. Mr. Allen said yes. He says that he talked to a few people, but they were all unhappy with the parking. It would not be adequate for a business. He also stated that in his experiences, apartments rent faster than commercial buildings in the hamlet. He owns the property across the street and went through the same thing.

Mr. Peckham requested a list of how many people have been interested and why they did not think it would work for their business. He also explained the process of getting a variance.

Mr. Lacey asked why Mr. Allen would allow contractors to keep working without the permit. Mr. Allen said that the builder said he had it and did not know otherwise until work was finished. He then called Tom Voorhees so he could fix the situation.

Mr. Clark asked if it is better to have a two family home rather than one? Mr. Allen confirmed, he says there is less loss because of the two incomes. If one is vacant, you would still have income from the other.

Mr. Peckham asked what he considered to be his target profit. Mr. Allen says that wants to at least break even at this point and hopefully in the future when it is time to sell he can make a little profit.

Mr. Peckham requested that Mr. Allen break up the renovation portions from the monthly rent, utilities, mortgage, insurance, and taxes. Show them separate.

Mr. Peckham asked if the property is affected by unique or highly uncommon circumstances. Mr. Allen stated that the parking issues make it hard to commercial use. He checked into transforming the front lawn into more parking as an alternative, but the lot is low and collects all the storm water, so pouring more asphalt would not be feasible.

Mr. Peckham suggested extending the Public Hearing to give Mr. Allen time to get all of the information they requested.

No members of the public appeared.

**MOTION**

Mr. Lacey moved, seconded by Mr. Bassette, to continue the hearing on December 8, 2016.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Mr. Bassette, to approve the minutes of the August 11, 2016 meeting as amended.

**APPROVED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Sciortino – (sustained, not here), and Mr. Lacey – aye.

**MINUTES**

Mr. Sciortino moved, seconded by Mr. Lacey, to approve the minutes of the October 13, 2016 meeting as written.

**APPROVED**

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

**MOTION**

Mr. Sciortino moved, seconded by Mr. Lacey, to adjourn the meeting at 7:59 p.m.

**ADOPTED**

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