A Regular Meeting of the Zoning Board of Appeals was held on Thursday, January 26, 2017, 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, Brent Rosiek, Tim Schiefen

Minutes were taken by Michelle Booth.

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

**FESS USE VARIANCE PUBLIC HEARING CONT.**

Timothy Davis Fess, 3358 Rush Mendon Road, Honeoye Falls, NY for a use variance at 173 Bulls Saw Mill Road, Honeoye Falls, NY, consisting of 1.45 acres, bearing Tax Account No. 215.0-1-43, located in an RA-1 zone, to convert an existing garage into a dwelling which will result in two principal structures on the property which requires a use variance.

Mr. Peckham asked for Mr. Fess’s mother’s name. Mr. Fess stated that it is Joanne Rinn.

Mr. Clark noted that question #5 on the EAF form should be answered “no”. Mr. Fess agreed and changed it.

There were no more questions from the Board.

**MOTION**

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

**APPROVED**

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

**FESS USE VARIANCE DETERMINATION**

Mr. Peckham moved , seconded by Ms. Sciortino, that the application by Timothy Davis Fess, 3358 Rush Mendon Road, Honeoye Falls, NY for a use variance at 173 Bulls Saw Mill Road, Honeoye Falls, NY, consisting of 1.45 acres, bearing Tax Account No. 215.0-1-43, located in an RA-1 zone, to convert an existing garage into a dwelling which will result in two principal structures on the property which requires a use variance be approved subject to the following findings of fact and conclusions of law with two conditions:

**FINDINGS OF FACT**

1. Timothy Davis Fess, the property owner, appeared before the Town of Mendon Zoning Board of Appeals at a public hearing held on January 12, 2017 and at a continuation of the public hearing on January 26, 2017.
2. Mr. Fess wishes to convert the upper level of an attached garage located at the rear of the property into a studio apartment for use by his mother Joanne Rinn.
3. Joanne Rinn recently retired and her financial resources are strained due to her present living arrangement. Mr. Fess is also faced with considerable monthly after-school child care costs for his son, who lives in the primary residence on the property. By relocating Joanne Rinn to the planned studio apartment, which she is to enjoy rent free, he will resolve both pressing issues, as Mr. Fess’s mother will be available for child care.
4. There will be no physical changes to the property. The exterior of the existing garage will show only one additional window. There is a residential lot immediately to the west of the subject property with two residences in place.
5. The septic system will be modified to accommodate the apartment. Mr. Fess testified that the County Health Department has approved the septic system. Rain water runoff from the garage will be guttered to an existing French drain located on the property.
6. It is Mr. Fess’s stated intention that the additional dwelling unit be clearly subordinate to the principal one-family use of the property.

**CONCLUSIONS OF LAW**

1. Mr. Fess has demonstrated that the studio apartment is the only feasible means by which the existing property can be used to ease the family’s difficulties of affordable senior living and child care.
2. The conversion of the second story of the existing garage will not alter the essential character of the neighborhood, nor will it cause any adverse physical or environmental effects.
3. The conditions of the property that create the need for a use variance are unique to the Fess family circumstances and do not apply to a substantial portion of the neighborhood.
4. The difficulty is not self-created.

**CONDITIONS**

1. The property will not be used for income generating purposes.
2. The use variance for a second principal building on the property will expire when the property is sold and is no longer owned by Mr. Fess, or when Mrs. Rinn no longer occupies the studio apartment for whatever reason. Upon the occurrence of either event, the property will revert to single principal building status under Section 200-8(B) of the Zoning Ordinance.

**ADOPTED**

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

**MENDON MEADOWS MALL AREA VARIANCE PUBLIC HEARING**

Jamie Pentland (DDS) present with Angelo Licciardello, 50 Stable Gate Drive, Webster, NY  14580, for property at 51 Assembly Drive, Mendon, NY, consisting of 10 acres, bearing Tax Account No. 216.02-1-1.6, located in a Business zone, to construct multiples buildings (4) on said property, which requires an area 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. Peckham asked if there was any other feasible means to develop the property without this area variance. Mr. Pentland stated that there was not any other means due to the need for waste management and the D.O.H will not allow a subdivision.

Mr. Peckham asked how much of the land would be developed. Mr. Pentland confirmed that approx. 4 acres would be used.

Mr. Bassette asked how many years that Mr. Licciardello has owned the property. He said he has owned it for almost 10 years.

There was a discussion regarding future meetings with the planning board for approval.

Mr. Peckham as what they envision for the use of the buildings. Mr. Licciardello answered that he was just laying it out right now, he is not sure of specifics.

Ms. Sciortino asked if they had conducted a perk test before purchasing. Mr. Licciardello denied this.

Mr. Peckham opened the public hearing.

Tim Schiefen, 1350 Pittsford Mendon Rd, asked to see the proposed map. He has some concerns in regards to the parking and traffic that will result from this. He was also wondering about proposed businesses that might be using the facility.

**MOTION**

Ms. Sciortino moved, second by Mr. Lacey to continue the Public Hearing until February 9, 2017.

**APPROVED**

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

There was a discussion about the comprehensive plan in regards to the Mendon Meadows Mall proposal.

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Sciortino, to approve the minutes of the January 26, 2017 meeting as written.

**APPROVED**

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

**DISCUSSION**

Board discussed and agreed upon Mr. Bassette being Vice Chair of the Zoning Board.

They discussed trainings coming up at MCC and Burgundy Basin Inn.

**MOTION**

Mr. Peckham moved, seconded by Mr. Lacey, to adjourn the meeting at 7:36 p.m.

**ADOPTED**

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