A Regular Meeting of the Zoning Board of Appeals was held on Thursday, February 10, 2017, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

 Daniel Bassette

 Clayton Lacey

ATTORNEY: Karl Essler

ABSENT: Liz Sciortino

OTHERS: John Hagreen

Minutes were taken by Michelle Booth.

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

Mr. Peckham opened the public hearing.

**MENDON MEADOWS MALL AREA VARIANCE PUBLIC HEARING**

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 asked if the land bank parking would disturb the EPOD? Mr. Licciardello said no.

Mr. Peckham asked what would happen to the playground if the parking lot was placed where it shows on the plans? Mr. Licciardello stated that the playground would be relocated.

There were no more questions from the board.

**MOTION**

Mr. Lacey moved, second by Mr. Bassette to close the Public Hearing.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Bassette moved, seconded by Mr. Lacey, to approve the minutes of the January 26, 2017 meeting as amended.

**APPROVED**

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

**DISCUSSION**

The Board discussed SEQR briefly.

**DETERMINATION**

**MENDON MEADOWS MALL AREA VARIANCE DETERMININATION**

Mr. Bassette moved, seconded by Mr. Peckham, that the area variance requested by 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, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Angelo Licciardello, the property owner, and Jamie Pentland, an engineer from DDS Companies, appeared before the Zoning Board of Appeals at the public hearing on January 26, 2017. Mr. Licciardello also appeared at the continuation of the public hearing on February 9, 2017.
2. The Town Code states in section 200-8(B) “There shall be only one principal building or use on any lot”.
3. The property has one (1) existing structure of approximately 32,000 square feet. This currently contains a grocery store, post office, day care, bank, and pharmacy.
4. The applicant wants to build four (4) additional buildings, to house additional businesses. While the details of this may require additional review by various agencies at some point in the future, the focus of this variance is on the numbers of buildings.
5. The northwestern corner of the lot includes an Environmental Protection Overlay District (Woodlot and Timber Harvesting). The applicant believes the proposal does not encroach upon the EPOD.
6. Mr. Licciardello does not currently have planned tenants for the proposed buildings.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means. While the lot could be subdivided, in order to have access to favorable soil for septic, the shapes would be highly irregular.
2. The request will **not** have an undesirable change in the neighborhood, as the proposal fits with the business nature of the area.
3. The request **is** substantial, as it increases the allowed number of principal buildings by 4, effectively quintupling the number of uses.
4. The request will **not** have any adverse physical or environmental effects, as there is adequate land to fit the proposed buildings.
5. The difficulty was **not** self-created, as soil conditions for nearly all of the lot turned out to be worse then Monroe County Health Department would allow for septic.
6. While this appears to be a Type II action under SEQR, the Town of Mendon Zoning Board is **not** claiming lead agency, and will defer to any other agency on the matter of SEQR.

**CONDITIONS**

1. This determination is contingent upon the applicant, Mr. Angello Licciardello, securing all applicable permits and approvals required of the project by other governmental agencies including, but not limited to, Town of Mendon Planning Board, Monroe County Health Department, Monroe County Water Authority, New York State Department of Transportation, New York State Department of Environmental Conservation as well as any Lead Agency designated under SEQR, should such designation prove necessary.

**ADOPTED**

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

**MOTION**

Mr. Bassette moved, seconded by Mr. Peckham, to close the meeting at 7:23 p.m.

**ADOPTED**

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