A Regular Meeting of the Zoning Board of Appeals was held on Thursday, August 24, 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

ABSENT: Liz Sciortino

David Cook

OTHERS: Councilperson Thomas DuBois and 3 others

Minutes were taken by Michelle Booth.

Mr. Peckham opened the meeting at 6:58 p.m.

**VANDEWATER AREA VARIANCE PUBLIC HEARING**

Nathan Vandewater, 358 Parrish Road, Honeoye Falls, for an area variance at said property, consisting of 2.129 acres, bearing tax account no. 230.2-1-5.4, located in an RA-1 zone, to construct a 225-square foot pool house, which square footage, when added to the existing 900 square foot pole barn, will exceed the 1% lot coverage allowed by code by 197.6 square feet.

Mr. Peckham opened the Public Hearing.

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

Mr. Vandewater explained the proposed plan. He will be running electric and water to the pool house. He will eventually add a bathroom in the back that will tie into the septic.

Mr. Bassette asked when he had built the other barn on the property. Mr. Vandewater stated it was about a year prior.

Mr. Peckham asked what color the new building would be. Mr. Vandewater stated it would match either the house or the barn, they haven’t decided yet.

Mr. Lacey asked about the visibility from the road. Mr. Vandewater stated that he would have landscape all around it to dress it up.

Mr. Peckham asked if this could be achieved by other means. Mr. Vandewater stated yes, but not what they are looking for.

Mr. Peckham asked if there would be an undesirable change to the neighborhood. Mr. Vandewater stated no.

Mr. Peckham asked if the benefit could be achieved by other means. Mr. Vandewater stated yes.

Mr. Peckham asked if the request would have any adverse physical effects. Mr. Vandewater stated no.

Mr. Peckham asked if this was a self-created difficulty. Mr. Vandewater stated yes.

**MOTION**

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

**APPROVED**

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

**FLOESER USE VARIANCE PUBLIC HEARING (Continued)**

Michael Floeser, 38 Shara Place, Pittsford, NY requesting a use variance at 3802 and 3804 Rush Mendon Road, NY, consisting of 2.69 acres, bearing Tax Account No. 216.1-1-11, located in a Business zone, to allow a two-family dwelling on the property which requires a use variance.

Mr. Floeser presented a rental analysis generated by Maureen Toombs from Magellan Real Estate.

Mr. Peckham read the summary of the report into the record. They will need time to review the information.

**MOTION**

Mr. Peckham moved, seconded by Mr. Bassette, to continue the Public Hearing to September 14, 2017.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Mr. Bassette, to accept the minutes of the July 27, 2017 meeting as submitted.

**APPROVED**

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

**TRUMBULL/VANDEWATER AREA VARIANCE DETERMINATION**

Mr. Peckham moved, seconded by Mr. Lacey, that the area variance requested by Amber Trumbull and Nathan Vandewater (Applicants), 358 Parrish Road, Mendon, NY, consisting of 2.19 acres, bearing Tax Account No. 230.02-1-5.4, located in an RA-1 zone requesting an area variance to build a pool house/accessory structure, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Applicants, appeared before the Zoning Board of Appeals at the public hearing on Thursday, August 24, 2017 meeting.
2. Applicants have requested an area variance to construct a pool house/accessory structure on their property of approximately 15’ x 15’, or 225 square feet.
3. A pole barn accessory structure already exists on the parcel consisting of 900 square feet.
4. Town Code Section 200(8)(c)(3) provides that accessory structures in an RA-1 shall not exceed 1% of the total area of the lot. The total lot size is 92,739 square feet, leaving 927.39 square feet available for accessory structures. The existing pole barn (900 square feet) and the proposed pool house (225 square feet) combined would exceed the allowable accessory structure allowance by 197.61 square feet. Total percentage of lot accessory structure would be 1.21%.
5. The proposed pool house would be relatively small and used primarily for storage of pool equipment and a bar.
6. It is planned that the proposed pool house would have a lavatory facility to be connected to the septic system.
7. No members of the public commented during the public hearing.

**CONCLUSIONS OF LAW**

1. The requested benefit cannot be achieved by other feasible means within the limits of the code accessory building limit.
2. The request is not substantial in that the total percentage of accessory building use is still less than 1.5%.
3. Upon review of Short Form Environmental Assessment Form (617.20 Appendix B), the board finds the request will not have any adverse physical or environmental effects.
4. The request will not have an undesirable change in the neighborhood due to the size and location of the structure.
5. The difficulty was self-created.
6. This is a Type II action under SEQR.

**CONDITIONS**

* 1. The applicant will discuss the proposed septic connection with the code enforcement officer before construction begins.

**MOTION**

Mr. Lacey moved, second by Mr. Bassette to adjourn the meeting.

**APPROVED**

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