A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 28, 2017, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

 Daniel Bassette

 Liz Sciortino

Clayton Lacey

ABSENT: David Cook

Jeff Clark

OTHERS: Councilperson John Hagreen

Minutes were taken by Michelle Booth.

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

**FASEL PUBLIC HEARING**

Vern and Elizabeth Fasel, 1333 W. Bloomfield Road, Honeoye Falls, NY, consisting of 5.1 acres, bearing Tax Account No. 223.01-1-40, located in an RA-5 zone, to construct a 24’ x 30’ addition to the existing pole barn which will result in an approximate side setback of 6 feet, whereas code requires a side setback of 20 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. Fasel explained the proposed addition to the pole barn. He stated that he spoke with the neighbor and she did not have any objections. The addition would be used to store lawn equipment and antique cars in.

Ms. Sciortino asked how he was getting the vehicles into the garage, would he be extending the driveway? Mr. Fasel stated that he would drive through the grass, he only takes them out in the spring and puts them away in the fall. There is a 10-foot door, a small door, and windows in the addition.

Ms. Sciortino asked where the septic system is. Mr. Fazel showed her on the map, it will have no interference with the addition.

Mr. Bassette asked if the trees along the property line were his. Mr. Fasel stated that some of them were his, some are the neighbors. He would be removing approx. 7 trees, that are dying and this will allow the good trees to grow better and be a buffer.

Mr. Bassette asked if they had considered a different placement for the addition. Mr. Fasel stated that it wouldn’t look as nice if they changed it.

Mr. Peckham asked if there would be an upper level in the building. Mr. Fasel stated no.

Mr. Peckham stated that there was a previous easement to be within 16 feet of the property line.

Mr. Peckham asked if the building can be constructed without trespassing onto the neighbor’s property. Mr. Fasel stated that he could.

Mr. Peckham asked where the storm water will go. Mr. Fasel stated that the addition really would not change anything. Mr. Lacey agrees and stated that the storm water seems to go into the nearby creek.

Mr. Peckham asked if they had thought of putting the building on the other side of the property.

Mr. Fasel said that they had talked about it but it would block a view of the front lawn and aesthetically not look very nice.

Mr. Peckham asked if the car port behind the building be taken down once the new building is done. Mr. Fasel stated that it would, the tractor would go into the addition.

Mr. Peckham asked if this will cause an undesirable change in the neighborhood. Mr. Fasel stated no.

Mr. Peckham asked if the difficulty was self-created. Mr. Fasel stated yes.

Mr. Peckham asked if the benefit could be achieved by any other means. Mr. Fasel stated no.

Mr. Peckham asked if the request is substantial. Mr. Fasel stated yes.

Mr. Peckham asked if the request has any adverse physical or environmental effects. Mr. Fasel stated no.

**MOTION**

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

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Mr. Bassette, to accept the minutes of the September 14, 2017 meeting as amended.

**APPROVED**

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

**FASEL AREA VARIANCE DETERMINATION**

Mr Bassette moved, seconded by Mr Lacey, that the area variance requested by Vern and Elizabeth Fasel, 1333 W. Bloomfield Road, Honeoye Falls, NY, consisting of 5.1 acres, bearing Tax Account No. 223.01-1-40, located in an RA-5 zone, to construct a 24’ x 30’ addition to the existing pole barn which will result in an approximate side setback of 6 feet, whereas code requires a side setback of 20 feet, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Vern and Elizabeth Fasel, the property owner appeared before the Zoning Board of Appeals at the public hearing on September 28, 2017.

2. A previous owner of the property, Mr and Mrs Taves, received a variance in August of 1995 to have a side setback of 16 feet.  The facts of that case are substantially still the same, namely the terrain and foliage of the property as well as the location of structures with respect to property lines.

3. Section 200-74 of the Mendon Zoning Code states the RA-5 has a side setback of 20 feet.  The applicant is requesting a side setback of approximately 6 feet, to allow construction of an addition to their barn.

4. Neither the lot lines, nor the existing barn, are perpendicular or parallel to each other.  The requested addition will bring a portion of the barn within the required setback, while much of it will remain within the already allowed buildable area.

5. The existence of a creek behind the house makes the rear of the lot an undesirable building location.  The existing pasture in the front yard renders it similarly undesirable for construction.

6. As long as existing trees remain along the property line, the addition will have effectively screened from the neighbors viewpoint.

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 due to the existing terrain and structures on the property.

2. The request is substantial as it is a decrease of approximately 70% of the required setback.

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 as an approximately 720 square foot addition is relatively small.

4. The request will not have an undesirable change in the neighborhood as the existing tree line will effectively screen the barn expansion.

5. The difficulty was self-created.

6. This is a Type II action under SEQR

**CONDITIONS**

1. The existing temporary structure (canopy tent) to the north of the barn will be removed upon completion of the addition.

2. The appearance of roof and siding materials will match the existing barn to the extent possible.

**GENERAL DISCUSSION**

Mr. Lacey met with Mr. Stefanou, who has a Public Hearing at the next meeting. He reported that Mr. Stefanou does not want to move the rooster’s house onto the other property because there has been vandalism to his property by the neighbors. Mr. Lacey reported that Mr. Stefanou said there have been windows broken, lines cut, and tires slashed on his farm equipment. Mr. Lacey also stated that Mr. Stefanou says the neighbors on the left and right of his home have no issue with the rooster.

**MOTION**

Mr. Peckham moved, second by Ms. Sciortino, to adjourn the meeting.

**APPROVED**

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