A Regular Meeting of the Zoning Board of Appeals was held on Thursday, March 8, 2018, 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

David Cook

ATTORNEY: Jeff Clark

OTHERS: Councilperson John Hagreen

Minutes were taken by Michelle Booth.

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

**BHAMBRA AREA VARIANCE PUBLIC HEARING**

Mr. and Mrs. Bhambra, 893 Mile Square Road Pittsford, NY, consisting of 12.63 acres, bearing Tax Account No. 205.02-1-17.2, located in an RA-5 zone, to construct a gate at the end of driveway with a height of 66 inches at the highest point, whereas Town Code states the maximum height of a gate in the front yard is 48 inches.

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.

The Board was familiar with the application and location.

Mrs. Bhambra stated that they require a gate at the end of their driveway. They have a disabled child that rides her bike in the driveway and does not always know to stop at the end of the driveway. Oncoming traffic goes fast by the house which raises concerns. They also state that there are no neighbors close on either side of the home.

Mr. Peckham asked what the length of the driveway is. Mr. Bhambra stated at least a tenth of a mile.

Mr. Peckham asked if there would be a fence up also. Mr. Bhambra stated that there would be a fence along the front of the property.

Mr. Bassette asked how long the fence is total. Mr. Bhambra said approx. 72 feet.

Mr. Peckham asked if the request will have an undesirable change to the neighborhood. Mr. Bhambra stated no.

Mr. Peckham asked if the request could be achieved by any other means. Mr. Bhambra stated no.

Mr. Peckham asked if the request is substantial. Mr. Bhambra stated no.

Mr. Peckham asked if the request would have any adverse physical or environmental effects. Mr. Bhambra stated no.

Mr. Peckham asked if the request was self-created. Mr. Bhambra stated no.

**MOTION**

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

**APPROVED**

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

**MINUTES**

**MOTION**

Ms. Sciortino moved, seconded by Mr. Bassette, to accept the minutes of the February 8, 2018 meeting as amended.

**APPROVED**

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

There was a brief discussion about the Eckler Road Group.

**BHAMBRA AREA VARIANCE DETERMINATION**

Mr. Peckham moved, seconded by Ms. Sciortino that the request by John Bhambra, 893 Mile Square Road, Pittsford, NY for an area variance at said property, consisting of 12.63 acres, bearing Tax Account No. 205.02-1-17.2, located in an RA-5 zone, to construct a gate at the end of a driveway with a height of 66 inches at the highest point, whereas Town Code states the maximum height of a gate in the front yard is 48 inches, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Mr. and Mrs. Bhambra appeared before the Zoning Board of Appeals at a public hearing on March 8, 2018.

2. Mr. Bhambra wishes to place the gate at the end of his driveway to provide for the safety of his daughter while riding her bicycle along the driveway. The posted speed limit on Mile Square Road is 50 mph. He feels the gate will serve as a deterrent to her entering the roadway.

3. The length of the driveway from a frame garage behind the house to the road is approximately .10 mile.

4. A drawing was provided for the file showing an additional 42.7 ft. barrier fence consistent with the gate design extending the barrier southward to rough ground unsuitable for a bicycle. A similar northern barrier is formed by a 6.5 ft. length of fence and an existing 5.8 ft. by 8.3 ft. frame shed which sits 33 ft. from the right of way on Mile Square Road.

5. No members of the public commented on the application during the public hearing.

**CONCLUSIONS OF LAW**

1. The request will not have an undesirable change in the neighborhood, or nearby properties. Large entry gates are becoming more common in the town especially for security purposes. A recommended change in Town Code to raise gate heights is pending before the Town Board.

2. The requested benefit cannot be achieved by other feasible means. The driveway on the property is the only smooth run space to provide for the bicycle.

3. The request will not have any adverse physical or environmental effects.

4. The request is not substantial, especially in the light of Conclusion #1 above.

5. The difficulty is not self-created. Child safety mandates the request.

6. This is a Type II action under SEQR.

**APPROVED**

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

**MOTION**

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

**APPROVED**

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