A Regular Meeting of the Zoning Board of Appeals was held on Thursday, July 12, 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

David Cook

 Clayton Lacey

ATTORNEY: Paul Berndt

OTHERS: Town Board Member John Hagreen and one other.

Minutes were taken by Mary Fletcher.

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

**MOTION**

Ms. Sciortino moved, seconded by Mr. Lacey, to amend the agenda by removing the Loewenguth public hearing continuation.

**APPROVED**

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

**SCHOFF AREA VARIANCE DETERMINATION**

Robert Schoff, NY, 353 Parrish Road, Honeoye Falls, NY, for an area variance at said property, consisting of 2.66 acres, bearing Tax Account No. 230.2-1-13.3, located in an RA-1 zone, to build a 30’ x 48’ outbuilding which exceeds the allowed lot coverage by 717 square feet.

A discussion followed regarding the determination.

**SCHOFF AREA VARIANCE DETERMINATION**

Mr. Bassette moved, seconded by Mr. Lacey, that the area variance requested by Robert Schoff, NY, 353 Parrish Road, Honeoye Falls, NY, for an area variance at said property, consisting of 2.66 acres, bearing Tax Account No. 230.2-1-13.3, located in an RA-1 zone, to build a 30’ x 48’ outbuilding which exceeds the allowed lot coverage by 717 square feet, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Robert Schoff, the property owner appeared before the Zoning Board of Appeals at the public hearing on Thursday, June 28, 2018.
2. The applicant has requested a variance to construct a pole barn with dimensions of approximately 30’ x 48’, or 1440 square feet, with a height of approximately 24’. Per the map provided to the Board, the applicant intends to position the barn on the western side of their property. The applicant states he intends to use the barn for storage and his woodworking hobby.
3. The applicant intends to demolish all sheds except for one, which will remain standing, with dimensions of approximately 12’ x 22’, or and 264 square feet.
4. Section 200-8C(3) of the Town Code states the total area of accessory buildings shall not exceed 1% of the lot area. The lot size is approximately 2.66 acres, or 116044 square feet. 1% of that, the allowed area for accessory buildings, is 1160 square feet, of which approximately 532 is covered by existing structures.
5. When factoring in demolition of sheds, the requested additional structure will bring the total lot coverage to 1704 square feet, or approximately 1.47% of total lot area.
6. There are existing trees along all sides of the property, which provide a degree of visual screening.
7. There is an existing pond south of the proposed construction site, the entirety of which is on the applicant’s lot. The property received a variance for the existing pond’s setback on March 20, 2008, at which time Scott Wickus was the owner.
8. No members of the public commented during the public hearing.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as the nature of the desired activity requires the space.
2. The request is **not** substantial, as it increases the limit by approximately 0.47%.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any adverse physical or environmental effects, as the slope of the land will encourage any runoff to flow into the applicants existing pond.
4. The request will **not** have an undesirable change in the neighborhood, as the existing trees will effectively obscure the barn from neighboring properties. In addition, there are other similarly sized accessory structures on nearby properties.
5. The difficulty **was** self-created, as the applicant’s chosen hobby is driving this need.
6. This is a Type II action under SEQR

**CONDITIONS OF APPROVAL**

1. The barn must be built in the approximate manner and location shown in the provided paperwork.
2. The existing foliage to the west of the new barn must be maintained. If removed as part of construction, it must be replaced with at least a similar amount, within six months of the barns construction being complete.
3. Three existing sheds on the property are marked for demolition on the survey map dated February 1, 2017 submitted with the application. Mr. Schoff stated in the public hearing that these structures would be demolished (Findings of Fact #3). It is a condition of the area variance that these structures be demolished and removed from the property prior to the issuance of a building permit for the new 30’ by 48’ structure.

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

There were no comments from the public.

**MINUTES**

**MOTION**

Mr. Bassette moved, seconded by Ms. Sciortino, to approve, as amended, the minutes of June 28, 2018 meeting.

**APPROVED**

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

**DISCUSSION**

Mr. Bassette stated that the Town Board will be having a public hearing at their next meeting regarding two code issues – Roosters and Permanent Farm markets.

Mr. Peckham stated the Planning Board had its meeting on July 11th regarding the Osovski application for an amendment to his Special Use Permit. Mr. Peckham stated it was well attended. A discussion followed.

**MOTION**

Mr. Cook moved, second by Ms. Sciortino, to adjourn.

**APPROVED**

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