A Regular Meeting of the Zoning Board of Appeals was held on Thursday, December 13, 2018, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

Clayton Lacey

Liz Sciortino

Stephen Maxon

ABSENT: David Cook

ATTORNEY: Jeff Clark

OTHERS: Councilperson John Hagreen

Minutes were taken by Michelle Booth.

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

**URBANSKI AREA VARIANCE PUBLIC HEARING**

Christopher Urbanski, 343 Cheese Factory Road, Honeoye Falls, NY, consisting of 13.59 acres and zoned RA-1, to allow a structure housing one rooster to be 128 feet from one property line and 121 feet from another property line, whereas code requires 150 feet from any property line. Tax account no. 222.01-1-18.

Mr. Bassette acknowledged the affidavit of posting of the sign and waived the reading of the public notice.

Mr. Urbanski explained his application. He would like to keep the location of the chicken coop because of the size and added expense it would be to move it. He would be moving it 30 feet straight back and would have to remove a large number of trees to do it. He stated 2 neighbors have written letters that they approve and enjoy the Rooster.

Mr. Lacey asked if he had read the code prior to getting the rooster. Mr. Urbanski stated that he had actually bought 12 hens and one turned out to be a Rooster. He did not mean to get a Rooster.

Ms. Sciortino asked how long he has had them. Mr. Urbanski stated he bought them in May.

Mr. Urbanski stated that the rooster does serve a purpose. It warns the hens of fox and does not want to separate them. He stated that he is allowed to have a rooster under the code and he has no plan on getting rid of it.

Mr. Maxon asked how often the Rooster crows. Mr. Urbanski stated he crows in the morning, and a few times throughout the day.

Mr. Maxon asked if he has had any contact from the neighbors to his west. Mr. Urbanski denies any contact and believes that they go south in the winter.

Mr. Bassette asked if he moves the coop, would he need to cut down trees. Mr. Urbanski confirmed this.

Mr. Lacey asked how long he has lived in the home. Mr. Urbanski stated almost 4 years.

Mr. Bassette opened the Public Hearing.

1. Martha Bush, 361 Cheese Factory Road, stated that they live 2 houses away and can hear the rooster throughout the day. She says that Mr. Urbanski built the coop without checking the codes and it is still out of code. She wonders why we bother to have the codes if nobody abides by them and can just come ask for forgiveness. She states the rooster is noisy and compared it to a barking dog complaint. She says she works from home so she is there all day. She believes the rooster is a pet and should be bound by pet and noise laws. She is asking for relief from the noise and that the Board reject the variance.
2. Amanda Masek, 213 Cheese Factory Rd, stated that she also lives right near the applicant and she has a rooster also. She stated that many of the neighbors do have roosters and that the previous speaker could be hearing one of those roosters, not only the applicant’s rooster. She stated that roosters protect the hens. She believes that moving the coop 20 feet away from where it is now will not change Ms. Bush from hearing it. She stated that they live in the country, these are country noises.
3. John Tracy, 361 Cheese Factory Rd, stated that he spoke with the Code Enforcement Officer and the Mendon Town Supervisor already. He stated that they do not agree with the code in his opinion. He says the rooster serves no function. He stated that he will continue to complain until something is done. He says the noise is annoying. He works from home. He says he has counted the rooster crowing over 10 times an hour over the summer.

There were no other comments.

Mr. Bassette asked if the request will have an undesirable change to the neighborhood. Mr. Urbanski stated no.

Mr. Bassette asked if the request could be achieved by any other means. Mr. Urbanski stated no.

Mr. Bassette asked if the request is substantial. Mr. Urbanski stated yes.

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

Mr. Bassette asked if the request was self-created. Mr. Urbanski stated yes.

**MOTION**

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

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon - aye and Mr. Lacey – aye

**MOTION**

Ms. Sciortino moved, second by Mr. Bassette, to approve the September 13, 2018 minutes as amended.

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon - abstained and Mr. Lacey – aye

**GENERAL DISCUSSION**

Mr. Clark explained that he is not a ZBA member and he is the Attorney. He explained that they are not here to debate the rooster. They are here for a variance for the coop. He stated that the code allows Mr. Urbanski to have a rooster. The code violation is for the placement of the housing only. Noise complaints are a different issue.

The Board discussed the determination briefly and would like time to research.

The next meeting will be on January 24, 2019.

Mr. Bassette asked if anyone would like to be vice chair next year. They decided Ms. Sciortino would do it.

**MOTION**

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

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon - aye and Mr. Lacey – aye