A Regular Meeting of the Zoning Board of Appeals was held on Thursday, March 21, 2019, 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

 David Cook

ATTORNEY: David Hou

OTHERS: None

Minutes were taken by Michelle Booth.

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

**DICKENS AREA VARIANCE PUBLIC HEARING**

Gordon Dickens, 27 Sycamore Ridge, Honeoye Falls, NY, consisting of 5 acres, bearing Tax Account No. 221.02-1-32, located in an RA-1 zone, to build a pool in the front yard, whereas Town Code states said swimming pools shall be located in the rear or side yards.

Mr. Cook stated that he knows Mr. Dickens and will recuse himself from the vote.

Mr. Dickens explained the need for the area variance.

Mr. Bassette asked where the septic is. Mr. Dickens pointed it out on the instrument survey and explained that the pool would not interfere with it.

Ms. Sciortino asked if he has public water. Mr. Dickens confirmed.

Mr. Hou stated that the address is Sycamore Drive but reality is that it is on a private drive off from Sycamore, so that is the cause of the issue. Mr. Dickens agreed.

Mr. Bassette asked if the benefit could be achieved by any other means. Mr. Dickens said no.

Mr. Bassette asked if the request is substantial. Mr. Dickens said no.

Mr. Bassette asked if the request will have any adverse physical or environmental effects Mr. Dickens said no.

Mr. Bassette asked if the request will have an undesirable change in the neighborhood. Mr. Dickens said no.

Mr. Bassette asked if the difficulty was self-created. Mr. Dickens said yes.

Mr. Bassette opened the Public Hearing.

There were no comments. However, there are two letters in favor of the Variance in the file from Mr. Dicken’s closest neighbors.

**MOTION**

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

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Lacey moved, second by Ms. Sciortino, to approve the February 21, 2019 minutes as amended.

**APPROVED**

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

**DICKENS AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Ms. Sciortino, that the area variance requested by Gordon Dickens, 27 Sycamore Ridge, Honeoye Falls, NY, consisting of 5 acres, bearing Tax Account No. 221.02-1-32, located in an RA-1 zone, to build a pool in the front yard, whereas Town Code states said swimming pools shall be located in the rear or side yards, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Gordon Dickens, the property owner appeared before the Zoning Board of Appeals at the public hearing on March 21, 2019.
2. As defined in Section 5-4 of the Mendon Zoning Code, a front yard is “A yard extending between the side lot lines across the front of a lot which runs parallel with the adjoining public street. The front yard does not include the driveway. Where a lot abuts more than one dedicated street, the front yard shall be determined by the address” and a rear yard is “A yard extending between the side lot lines situated between the rear line of the building and the rear lot line”.
3. The layout of the property, and the existence of a shared driveway, creates the appearance of reversing the front and rear yard. The address of the property is on Sycamore Ridge, and as such that is the side used to determine “front yard”.
4. The requested swimming pool location is in the front yard, as defined in Section 5-4 of the Mendon Zoning Code, while Section 260-75B states “Swimming pools shall be located in the rear or side yard”.
5. Sycamore Ridge runs along a ridge, as such the nearby houses have a considerable elevation difference between the road and the developed portion of the property.
6. There is a mowed ‘yard’ area around the house, which is both setback from and raised above the road. Between this yard and the road is a sloped forested area.
7. Neighbors submitted emails in favor of the request.
8. No members of the public commented during the public hearing.
9. This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as the septic system is in the way.
2. The request **is** substantial, as it allows a usage of the front yard that is currently forbidden.
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 it impacts such a small portion of land.
4. The request will **not** have an undesirable change in the neighborhood, as the slope of the land and the existing foliage will adequately obscure the pool. The location of the pool relative to the house renders this acceptable.
5. The difficulty **was** self-created, as the applicant choose to place the pool in their front yard.
6. This is a Type II action under SEQR

**APPROVED**

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

**MOTION**

Mr. Lacey moved, second by Mr. Maxon, to adjourn.

**APPROVED**

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