A Regular Meeting of the Zoning Board of Appeals was held on Thursday, June 27, 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: Councilperson Mike Roberts

Minutes were taken by Michelle Booth.

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

**SAUR/WOOLEVER AREA VARIANCE PUBLIC HEARING**

Drew Saur and Charles Woolever, 6 Bull Saw Mill Road, Honeoye Falls, NY, for an area variance at said property located at the intersection of Mendon Center and Bull Saw Mill Road, consisting of 1.01 acres, bearing Tax Account No.215.01-2-1, located in an RA-1 zone, to build a 10’ by 16’ storage shed approximately 10 feet from the rear property line, whereas Town Code requires a 20 foot side setback.

Mr. Bassette opened the public hearing at 7:00pm

Mr. Bassette stated the notification of publication was in the file along with the affidavit of posting.

Mr. Saur and Mr. Woolever explained the need for the variance.

Mr. Cook asked if the drawing provided was an actual rendering of the shed. Mr. Saur confirmed.

The Board asked questions about the shed. The applicants answered and stated that the shed would be used for lawn and garden storage, there would not be any electric or water hooked up, the neighbors do not have any problem with the proposal and there will be greenery around the shed as a buffer.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

Mr. Bassette opened the public comment. There was no public.

**MOTION**

Mr. Maxon moved, second by Ms. Sciortino, to close the Public Hearing at 7:04 p.m.

**APPROVED**

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

**REN AREA VARIANCE PUBLIC HEARING**

Ray Trotta and Rockey Ren, 909 Mile Square Road, Pittsford, NY, for an area variance at said property located between the Smith Road and Cole Road intersections, consisting of 5.3 acres, bearing Tax Account No. 205.02-1-34.11, located in an RA-5 zone, to build a front gate and perimeter fence that will be 6 feet in the front yard, whereas town code allows a 4 foot fence in the front yard.

Mr. Bassette stated the notification of publication was in the file along with the affidavit of posting.

Mr. Bassette opened the public hearing at 7:04pm.

Mr. Trotta supplied the Board with copies of an engineering report and a police report. He explained the need for the fence was for the family’s safety. They have broken into two times and the first time the children were tied up.

They reviewed the engineering plans. Mr. Maxon asked if the fence surrounds the whole property, this was confirmed by Mr. Trotta.

There was a discussion about the Police Report.

Mr. Cook asked how a 6-foot fence will keep these people out? Mr. Ren stated that it would take them a lot longer and the alarm would sound to deter the break ins.

Mr. Lacey asked if the fence would be inside the culvert? Mr. Trotta confirmed.

Mr. Bassette asked how far from the road the fence would be. Mr. Trotta stated about 30 feet from the right of way.

Mr. Hou asked about lighting. Mr. Trotta explained that there would be lanterns on each column of the fencing, and that would be all.

Mr. Cook asked the applicant how much this would cost. Mr. Ren answered around $100K.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

Mr. Bassette opened the public comment. There was no public.

**MOTION**

Mr. Lacey moved, second by Mr. Cook, to close the Public Hearing at 7:19 p.m.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Maxon moved, second by Mr. Lacey, to approve the June 13, 2019 minutes as submitted.

**APPROVED**

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

**SAUR AREA VARIANCE DETERMINATION**

Mr. Lacey moved, seconded by Ms. Sciortino, that the area variance requested by Drew Saur and Charles Woolever, 6 Bull Saw Mill Road, Honeoye Falls, NY, for an area variance at said property located at the intersection of Mendon Center and Bull Saw Mill Road, consisting of 1.01 acres, bearing Tax Account No.215.01-2-1, located in an RA-1 zone, to build a 10’ by 16’ storage shed approximately 10 feet from the rear property line, whereas Town Code requires a 20 foot side setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Drew Saur and Charles Woolever, the property owners appeared before the Zoning Board of Appeals at the public hearing on June 27, 2019.
2. The applicant is requesting to place a storage shed 10 feet from their rear lot line. Section 260-106 of the Mendon Zoning Code states RA-1 districts have a side and rear setback of 20 feet.
3. The property is a corner lot, and as both the side and rear setbacks are the same, ‘side’ and ‘rear’ can be used interchangeable in this case.
4. There is a leach field in the open area to the north of the house.
5. There is existing foliage along the north and west sides of the property, facing the street and nearest neighbor respectively. The applicant has stated their intent to retain this screening, as well as add additional around the shed.
6. The applicant stated they intend to primarily use the shed for storage. No electric or water will be added.
7. No members of the public commented during the public hearing.
8. 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 relocating the shed would deny the usage of other portions of the property.
2. The request is **not** substantial, as existing foliage will adequately screen the shed neighboring properties.
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 amount of land to be covered by the shed is minuscule.
4. The request will **not** have an undesirable change in the neighborhood, as existing foliage will adequately screen the shed from neighboring properties.
5. The difficulty **was** self-created, as the applicant chose to have sufficient possessions to warrant a shed for storage.
6. This is a Type II action under SEQR

**APPROVED**

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

**REN AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Ms. Sciortino, that the area variance requested by Rockey Ren, 909 Mile Square Road, Pittsford, NY, for an area variance at said property located between the Smith Road and Cole Road intersections, consisting of 5.3 acres, bearing Tax Account No. 205.02-1-34.11, located in an RA-5 zone, to build a front gate and perimeter fence that will be 6 feet in the front yard, whereas town code allows a 4 foot fence in the front yard, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Rockey Ren, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 27, 2019.
2. The applicant is requesting to build a fence in the front yard, that will have a height of 6 feet. Section 260-74A of the Mendon Zoning Code states no fence in a front yard shall be higher than 4 feet. The gate may be up to 6 feet in height.
3. The applicant has stated they plan to install fence around the perimeter of their property. Section 260-74B allows the planned 6 feet high fence along the rear and side.
4. 7 feet 4-inch-tall piers will be installed at approximately 32 feet increments.
5. The applicant claims the fence is needed for security reasons, and references being the victim of past criminal actions. A police report was received and added to the file.
6. No members of the public commented during the public hearing.
7. 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 a shorter fence would be easier to overcome.
2. The request **is** substantial, as it exceeds the allowed height by 50%.
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 planned fencing will be designed to not impede water flow or wildlife traffic.
4. The request will **not** have an undesirable change in the neighborhood, as there are other fenced yards nearby.
5. The difficulty was **not** self-created, as the applicant seeks to discourage future undesirable visitors.
6. This is a Type II action under SEQR

**APPROVED**

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

**MOTION**

Mr. Maxon moved, second by Mr. Lacey, to adjourn at 7:33 pm.

**APPROVED**

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