A Regular Meeting of the Zoning Board of Appeals was held on Thursday, August 12, 2021 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

 Stephen Maxon

 Dustin Cichon

ABSENT: Stephen Tudhope and David Cook

ATTORNEY: David Hou

OTHERS: Mr. Bruce Coates and Michelle Hartley

Minutes were taken by Katrina Allen and Michelle Booth.

Mr. Bassette opened the meeting at 7:02pm.

**ZENOSKI AREA VARIANCE PUBLIC HEARING**

Bruce Coates, 100-112 Pond Road, Honeoye Falls, consisting of 5.61 acres, for a subdivision of an existing lot with two homes. One lot would be ½ acre, whereas code requires 5 acres and therefore requires an area variance. Zoned RA-5. Tax account no. 204.03-1-7.

Mr. Bassette waived the reading of the public notice; it was published in the Sentinel.

Mr. Coates explained his need for the area variance. He wants to split one of the two houses from the kennel and other house. He will maintain the 5-acre requirement on the kennel and other home.

Mr. Bassette asked for approximate date the two houses and kennel came into usage. Mr. Coates stated his grandparents purchased the property in 1937, and it was in use then.

Mr. Bassette stated that current zoning laws were instituted in the 1970s.

The history of the property was discussed.

Mr. Bassette asked if the applicant planned to sell the smaller lot. Mr. Coates stated yes.

Mr. Coates explained where the access drive exists and where the new owners would have access.

Mr. Maxon asked if the plan was to keep the other lot at 5 acres. The applicant stated yes.

Mr. Bassette discussed side and rear setback requirements. Mr. Coates affirmed they would stay the same.

Mr. Bassette stated that the property was preexisting before setbacks were issued and property was nonconforming to start.

Mr. Bassette asked if the Board had additional questions. They did not.

**PUBLIC COMMENT**

There was no public comment.

**MOTION**

Mr. Maxon moved, second by Mr. Cichon, to move to close the public hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; and Mr. Cichon; – aye.

**MINUTES**

**MOTION**

Mr. Cichon, moved, second by Mr. Maxon to approve the minutes from June 10, 2021 as submitted.

**APPROVED**

Mr. Bassette – aye; and Mr. Maxon – aye; and Mr. Cichon – aye.

The Board reviewed the determination and approved as follows:

Mr. Maxon moved, seconded by Mr. Cichon, that the area variance requested by Bruce Coates, 100-112 Pond Road, Honeoye Falls, consisting of 5.61 acres, bearing Tax Account No.204.03-1-7., located in an RA-5 zone, for a subdivision of an existing lot with two homes, such that one lot would be ½ acre, whereas code requires 5 acres and therefore requires an area variance, be approved based on the following:

WHEREAS, Bruce Coates, the property owner appeared before the Zoning Board of Appeals at the public hearing on August 12, 2021; and

WHEREAS, The property and it's neighbor are completely enveloped by Mendon Ponds Park; and

WHEREAS, The existing kennel and two residences have been on the property since at least 1956. Details have changed over the years, including rebuilding from a fire, but the usage has remained. As such, it pre-dates the Zoning Code, which came about during the 1970's; and

WHEREAS, The applicant is requesting a ~0.5 acre residential lot, in an RA-5 zone. Section 260-106 of the Mendon Zoning Code states RA-5 requires 5 acres per lot; and

WHEREAS, The requested variance is for lot acreage, and does not cover other aspects of the RA-5 zoning, including (but not limited to) lot width at right of way, lot coverage, side setback, rear setback, or building height; and

WHEREAS, The Code Enforcement Officer stated in email that his opinion is that the predominant issue here is the non-conforming parcel size; and

WHEREAS, Once subdivided, which will require Planning Board approval, the applicant intends to sell one residence and the lot containing it; and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, 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.

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit can**not** be achieved by other feasible means, as subdividing is required to sell one house and not both.
2. The request **is** substantial, as it creates a lot with ~90% reduction of the required acreage.
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 proposed lots are already developed and thus there would be no additional impact.
4. The request will **not** have an undesirable change in the neighborhood, as the use has been in effect for a considerable time and thus nothing is changing.
5. The difficulty was **not** self-created, as the primary layout and construction on the site existed before the current Zoning Code.
6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be granted for the reasons stated above.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye and Mr. Cichon – aye.

**MOTION**

Mr. Maxon, moved, second by Mr. Cichon to close the Public Hearing @ 7: 21pm.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye and Mr. Cichon – aye.