A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 9, 2021 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

Stephen Maxon

Dustin Cichon

David Cook

Stephen Tudhope

ABSENT: None

ATTORNEY: David Hou

OTHERS: Mr. David Kruger and Mr. Mark Tilt (Electrician)

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 7:00 pm.

**CROSBY’S AREA VARIANCE PUBLIC HEARING**

An area variance application by David Kruger, Reid Petroleum, 100 West Genesee Street, Lockport, NY, on behalf of property located at Crosby’s Store, 1391 Pittsford Mendon Road, consisting of .48 acres, for a generator, with a side setback of approximately 10 feet, whereas code requires a 30-foot side setback and therefore requires an area variance. Zoned CB. Tax account no. 216.07-1-7.1.

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

Mr. Kruger began by thanking Corey Gates and Michelle Booth for their assistance, knowledge, and efficiency helping him with the process of his variance request. He explained his need for a variance for the placement of the generator.

Mr. Cook asked about the wattage of the generator. Mr. Tilt replied it is 80 KW

Mr. Tudhope inquired if the generator will be run on natural gas. The applicant replied that it will be.

The noise, times of the generator, and maintenance times were discussed.

Mr. Bassette asked if the applicant planned to cut down trees. The applicant stated no; only some branches.

The placement of the generator was discussed.

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. Tudhope, to close the public hearing.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Cichon, moved, second by Mr. Maxon to approve the minutes August 12, 2021 as submitted.

**APPROVED**

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

The Board reviewed the draft determination and approved as follows:

Mr. Tudhope moved, seconded by Mr. Cichon, that the area variance requested by David Kruger of Reid Petroleum Corp. 100 West Genesee St. Lockport, NY 14094 on behalf of property located at Crosby's Store at 1391 Pittsford Mendon Rd., Mendon NY. Applicant is requesting relief from Local Zoning Law, Chapter 206— 106 for the 30' setback to install a generator at Crosby's Store, 1391 Pittsford Mendon Rd, consisting of 0.48 acres, Zoned B, bearing Tax account no. 216.07-1-7.1, be approved based on the following:

WHEREAS, David Kruger, representing Reid Petroleum Corp, appeared before the Zoning Board of Appeals at the public hearing on September 9, 2021; and

WHEREAS, The property is owned by Hawley Development Corporation, which is a division of Reid Petroleum Corp. The store is operated by Reid Stores, Inc, also a division of Reid Petroleum Corp; and

WHEREAS, The property has a number of variances, including one for a setback of 22 feet on the existing building from November 14, 2002, and one for a setback of 2 feet on the existing canopy from February 12 1998; and

WHEREAS, The applicant is requesting a variance of approximately 10 feet from the lot line, while Section 260-106 of the Mendon Zoning Code requires 30 feet; and

WHEREAS, The applicant intends to install an 80KW standby generator beyond the south west corner of the existing masonry building, in one of the few portions of the lot not driven on. The generator will be placed on a concrete pad and bollards will be placed between it and the parking area; and

WHEREAS, The proposed location on the lot currently has propane tanks, which is screened by trees; and

WHEREAS, The applicant stated this is for emergency usage and, apart from testing, is not expected to be used regularly; 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 the existing lot coverage prevents relocating the generator.
2. The request **is** substantial, as it is ~66% reduction of the required setback.
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 impacted area is minuscule.
4. The request will **not** have an undesirable change in the neighborhood, as there is already a structure at the proposed location.
5. The difficulty **was** self-created, as the applicants desire for redundancy is the driving cause.
6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be granted for the reasons stated above, subject to the following conditions:

1. The Zoning Board of Appeals approves a variance to the setback of not less than 10 feet from the western property line.

1. Any testing of the generator will occur during regular business hours, so as to minimize disruption to the neighborhood.

**APPROVED**

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

**MOTION**

Mr. Cichon moved, second Mr. Maxon, to adjourn the meeting at 7:21 pm.

**APPROVED**

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