A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 23, 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

 Stephen Tudhope

 David Cook

ATTORNEY: David Hou

OTHERS: Town Councilman Tom Dubois, Mr. Bruce Coates and Michelle Hartley

Minutes were taken by Michelle Booth.

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

**COATES AREA VARIANCE PUBLIC HEARING**

Bruce W. Coates of 112 Pond Road, Honeoye Falls, for property located at 100 Pond Road, Honeoye Falls, has been approved to subdivide from 112 Pond Road and now consists of .3 acres for a deck on the front of said property, with a setback of 54 feet, whereas code requires a 60-foot setback and therefore requires an area variance. Zoned R5. Tax account no 204.03-1-7.

Mr. Coates described his need for the area variance to the Board. Mr. Bassette asked if he was able to build the porch on the side of the home versus the front to avoid the need for the variance. Mr. Coates said he did think about it, however, the septic location prevents a porch on one side,

Mr. Coates stated that he intends to sell this home and he believes a porch will make it much more desirable to a buyer. He will build the porch himself.

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

**MOTION**

Mr. Bassette moved, second by Mr. Tudhope, to close the public hearing @ 7:10pm.

**APPROVED**

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

**PUBLIC COMMENT**

There was no public comment.

**MINUTES**

**MOTION**

Mr. Tudhope moved, second by Mr. Maxon to approve the minutes from September 9, 2021 as submitted.

**APPROVED**

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

**COATES AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Cook, that the area variance requested by Bruce W. Coates of 112 Pond Road, Honeoye Falls, for property located at 100 Pond Road, Honeoye Falls, Tax account no 204.03-1-7, located in an R5 zone, has been approved to subdivide from 112 Pond Road and now consists of .3 acres for a deck on the front of said property, with a setback of 34 feet, whereas code requires a 60-foot setback 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 September 23, 2021; and

WHEREAS, the existing residence has been on the property since at least 1956. As such, it's current setback of approximately 40 feet pre-dates the Zoning Code, which came about during the 1970's; and

WHEREAS, the applicant is requesting a front setback of 34 feet, for the purpose of constructing a deck. Section 260-106 of the Mendon Zoning Code states the RA-5 has a front setback of 60 feet; and

WHEREAS, this property is part of a small group otherwise enveloped by Mendon Ponds Park; 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; and

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 layout prevents other options.
2. The request is **not** substantial, as it is a 6-foot increase.
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 too small.
4. The request will **not** have an undesirable change in the neighborhood, as similar usage exists on neighboring property.
5. The difficulty **was** self-created, as it is the applicants desire to build driving this issue.
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; Mr. Tudhope – aye; Mr. Cook – aye; and Mr. Cichon; – aye.

**MOTION**

Mr. Maxon, moved, second by Mr. Cichon to adjourn the meeting at 7:15pm.

**APPROVED**

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