A Regular Meeting of the Zoning Board of Appeals was held on Thursday, March 9, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette

 Stephen Maxon

 Dustin Cichon

 Christian Mahood

Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Tom DuBois, Town Councilperson

Minutes were taken by Katrina Allen.

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

**MINUTES**

Mr. Tudhope moved, seconded by Mr. Cichon to approve the minutes from February 23, 2023 meeting.

**APPROVED**

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

**KOELSCH AREA VARIANCE**

An area variance application by Matt Koelsch and Erin Denney-Koelsch, 1065 Cheese Factory Road, Honeoye Falls, consisting of 1.57 acres to build a 510 square-foot addition with a front setback of 14.4 feet, whereas code requires a 60-foot front setback, and therefore requires an area variance. Zoned RA-1. Tax account no. 223.02-1-11.

Mr. Bassette opened the public hearing at 7:01 pm.

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

Mr. Bassette asked if the members of the Board were familiar with the property. They all were.

Erin and Matt Koelsch were welcomed to the table.

The applicants explained the house was built in 1835, and they are running out of room for their children and them. They love where they live and they love their house and neighbors. They are near the William’s Tree Farm, and the Williams have become “Grandparents” to their children. Their dining room is sloped, and it is difficult for the family to be around the dining room table. They decided they either had to move or do an addition, and they did not want to move.

Mr. Koelsch went through the drawings with the Board.

Mr. Cichon asked about the floor joists and if there would be a crawl space.

The Board discussed the plans and the depth of the crawlspace.

Mr. Bassette asked the applicants if they had considered an addition on the garage. The applicants said they did, but the garage is in bad shape.

Mr. Koelsch stated the ground slopes to the north, and there is no room to add on to the back of the house. There is a covered porch on the other side and two wells. This is the only spot to build. He said it also helps with their entryway.

The Board and applicant discussed the location of the septic. Mr. Koelsch showed the location on the plans.

Mr. Cichon commended the applicants on the plans. He asked about the fireplace and if it would be woodburning, pellet, or gas. The applicants said it will be woodburning.

Mr. Cichon advised to have the flue drop to the crawlspace as it would eliminate removing the ash within the living space. The applicants thanked Mr. Cichon for this information and said for a 200-year-old house, there is no fireplace.

The heat from the fireplace and forced air of the home were discussed.

Mr. Bassette said there was a note about adding on to the garage. The applicants said that will be in the future and had the plans marked where theoretically it would be done.

Mr. Bassette asked the Board if there were any other questions. There were none.

Mr. Bassette waived the formal asking of the five questions as they were answered through discussion and on the drawings.

**PUBLIC COMMENT**

None

**MOTION**

Mr. Maxon moved, seconded by Mr. Mahood, to close the public hearing at 7:09 pm.

**APPROVED**

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

The Board discussed the Koelsch Area Variance determination.

**MOTION**

Mr. Tudhope moved, seconded by Mr. Cichon to approve the Koelsch Area Variance.

**APPROVED**

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

**KOELSCH AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Cichon, that the area variance requested by Matt Koelsch and Erin Denney-Koelsch, 1065 Cheese Factory Road, Honeoye Falls, consisting of 1.57 acres, with Tax account no. 223.02-1-11, Zoned RA-1, to build a 510 square-foot addition with a front setback of 14.4 feet, whereas code requires a 60-foot front setback, and therefore requires an area variance, be **approved** based on the following:

WHEREAS, Matthew Koelsch, the property owner appeared before the Zoning Board of Appeals at the public hearing on March 9, 2023; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RA-1 District has a front setback of 60 feet, and the applicant is requesting a front setback of ~14.4 feet; and

WHEREAS, The applicant would like to build an ~510 square foot addition on to the west side of the existing house, where he intends to match the siding and roofing of the existing house; and

WHEREAS, The existing house is within the setback, this situation pre-dates the applicants ownership of the property, and his requested addition would not encroach any closer than the existing house; and

WHEREAS, The applicant states options for expanding onto other sides of the house are limited by the existing road, porch, well and septic system; and

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

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated February 28, 2023; 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 all other directions have various obstructions in them.
2. The request is **not** substantial, as it does not encroach any closer than the existing structure.
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 scale of the project is sufficiently small.
4. The request will **not** have an undesirable change in the neighborhood, as it does not substantially change the existing situation.
5. The difficulty **was** self-created, as it is the applicants desire to expand their structure driving this request.
6. This is a Type II action under SEQR

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

**MOTION**

Mr. Maxon moved, seconded by Mr. Tudhope to adjourn at 7:14 pm.

**APPROVED**

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