A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 28, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette

 Stephen Tudhope

 Christian Mahood

 Steve Maxon

Dustin Cichon

ATTORNEY: David Hou

OTHERS: Town Councilperson, Brent Rosiek

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 6:59 pm.

**MINUTES**

**MOTION**

Mr. Tudhope moved, seconded by Mr. Maxon to approve the minutes of the September 26, 2023 Zoning Board of Appeals meeting.

**APPROVED**

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

**SORENSEN AREA VARIANCE PUBLIC HEARING**

An area variance application by James Sorensen, 27 Chillington Lane, Mendon, NY, consisting of 1.4 acres, for garage extension, with a side setback of approximately 15 feet, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-1. Tax account no. 217.01-1-25.

Mr. Bassette opened the Public Hearing at 7:01 pm.

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

Mr. Bassette asked if everyone was familiar with the property. Everyone said yes.

Mr. Bassette welcomed Mr. Sorensen to the table.

Mr. Sorensen said he has a triangular lot and he wants a garage extension to keep his RV and boat in there. He also has a classic car he wants to be able to work on. He wants to bring the garage forward to have room for a people door. It will be forward of the rest of the house, but it will be more balanced.

Mr. Cichon asked if he is using the existing concrete pad. Mr. Sorensen said yes, he is.

Mr. Bassette said Mr. Sorensen said it would be more balanced. Mr. Sorensen and the Board reviewed the map and the site plan provided.

Mr. Sorensen said it is a hipped roof, so it will not jet out as much. He has been working on the house. He has stone in front of the house and will add it to the front of the garage.

Mr. Bassette asked about the utilities to the house.

The utilities and the meter location were discussed.

Mr. Mahood asked if Mr. Sorensen balanced the garage and it pulled back, would that give him his 20-foot required setback. Mr. Sorensen said yes, because it is a pie shaped lot, and it is just the one corner. If he pushed it back, it would be where the meter is, and doing it this way is better aesthetically.

Mr. Bassette asked if nothing is in the way. The leech fields? Mr. Sorensen said no. Mr. Bassette asked about the septic, and Mr. Sorensen said it is on the other side.

Another discussion on the meter location followed.

**PUBLIC COMMENT**

None

Mr. Bassette waived the asking of formal five questions as they had been answered during discussion.

**MOTION**

Mr. Tudhope moved, seconded by Mr. Cichon to close the public hearing.

**APPROVED**

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

Mr. Bassette said he put together a draft determination and asked the Board if it was comfortable moving on the approval tonight. The Board was.

Mr. Bassette reviewed the draft determination.

**SORENSEN AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by James Sorensen, 27 Chillington Lane, Mendon, NY, consisting of 1.4 acres, with Tax account no. 217.01-1-25, zoned RA-1, for garage extension, with a side setback of approximately 15 feet, whereas code requires a 20-foot side setback and therefore requires an area variance, be **approved** based on the following:

WHEREAS, James Sorensen, the property owner appeared before the Zoning Board of Appeals at the public hearing on October 26, 2023; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RA-1 District has a side setback of 20 feet. The applicant is requesting a side setback of approximately 15 feet; and

WHEREAS, The applicant intends to extend the current two car garage to the side in order to accommodate a motor home and boat. The closest portion of this addition is approximately 15 feet from the lot line; and

WHEREAS, The lot is along a curve in the road, and as such is not aligned squarely with neighboring properties; and

WHEREAS, The applicant desires this construction location as it is more aesthetically pleasing, provides better door access, and easier utility connection; and

WHEREAS, Looking at nearby properties show a number of three car garages; 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** be achieved by other feasible means, such as sliding the addition back such that it is within the setback.
2. The request is **not** substantial, as it is for approximately 5 feet.
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 region is too small.
4. The request will **not** have an undesirable change in the neighborhood, as a number of nearby properties have similar structures similar distances from neighbors.
5. The difficulty **was** self-created, as it is the applicants desired construction location 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. Tudhope moved, seconded by Mr. Maxon to approve the determination.

**APPROVED**

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

**GENERAL DISCUSSION**

The Board discussed upcoming meetings.

**MOTION**

Mr. Tudhope moved, seconded by Mr. Mahood to adjourn the meeting at 7:14 pm.

**APPROVED**

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

For full meeting information, please visit the Town of Mendon’s YouTube page:

<https://townofmendon.org/community/youtube/>