A Regular Meeting of the Zoning Board of Appeals was held on Thursday, November 9, 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, Tom DuBois

Minutes were taken by Katrina Allen.

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

**MINUTES**

**MOTION**

Mr. Mahood moved, seconded by Mr. Cichon to approve the minutes of the October 26, 2023 Zoning Board of Appeals meeting, as amended.

**APPROVED**

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

**SALVISKI AREA VARIANCE PUBLIC HEARING**

An area variance application by James Salviski, 342 Smith Road, Pittsford, NY, consisting of 10 acres, for a six-foot fence in the front yard, whereas code requires no fence in the front yard in a residential district shall exceed four feet in height, therefore requires an area variance. Zoned RA-5. Tax account no. 205.01-1-9.31

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. Salviski said he has lived in Mendon for 18 years and has recently moved to Smith Road.

Mr. Salviski said they had a break-in attempt at the beginning of the year, and they now want a fence, gate, and large dogs. They are asking for a six-foot fence in the front of the yard.

Mr. Bassette asked if there is a fence all the way around. Mr. Salviski said there is in the back, and he is applying for a site plan approval from the Planning Board to have a barn enclosed by the fence.

Mr. Bassette asked if there will be pillars. Mr. Salviski said there will be two stone pillars by the gate.

Mr. Salviski said they are concerned of the dogs they get jumping the fence.

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

**PUBLIC COMMENT**

None

**MOTION**

Mr. Tudhope moved, seconded by Mr. Mahood to close the public hearing at 7:04 pm.

**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 sees any reason to act on it tonight. He said he saw nodding heads.

Mr. Bassette reviewed the draft determination.

 **SALVISKI AREA VARIANCE DETERMINATION**

Mr. Maxon moved, seconded by Mr. Tudhope, that the area variance requested by James Salviski, 342 Smith Road, Pittsford, NY, consisting of 10 acres, with Tax account no. 205.01-1-9.31, zoned RA-5, for a six-foot fence in the front yard, whereas code requires no fence in the front yard in a residential district shall exceed four feet in height, therefore requires an area variance, be **approved** based on the following:

WHEREAS, James Salviski, the property owner appeared before the Zoning Board of Appeals at the public hearing on November 9, 2023; and

WHEREAS, The applicant is requesting to build a fence in the front yard, that will have a height of 6 feet. Section 260-74A of the Mendon Zoning Code states no fence in a front yard shall be higher than 4 feet; and

WHEREAS, The applicant has stated they plan to install fence around the perimeter of their property. Section 260-74B allows the planned 6 feet high fence along the rear and side; and

WHEREAS, The applicant believes this height will discourage future night time entry of unfamiliar people; and

WHEREAS, The applicant states there are multiple properties in the area with fences taller than four feet; 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 a shorter fence would be easier to overcome.
2. The request **is** substantial, as it exceeds the allowed height by 50%.
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 exceeding the code in this way has no greater environmental impact then complying.
4. The request will **not** have an undesirable change in the neighborhood, as other properties in the area have similar fences.
5. The difficulty **was** self-created, as it is their desire to have a fence that caused this difficulty.
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 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. Mahood moved, seconded by Mr. Maxon to adjourn the meeting at 7:19 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/>