A Regular Meeting of the Zoning Board of Appeals was held on Thursday, June 13, 2019, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

 Clayton Lacey

 Liz Sciortino

 Stephen Maxon

 David Cook

ATTORNEY: David Hou

OTHERS: Councilperson Mike Roberts

Minutes were taken by Mary Fletcher.

Mr. Bassette opened the meeting at 7:00 p.m.

**WRIGHT AREA VARIANCE PUBLIC HEARING**

Andrew Wright, 37 Drumlin View Drive, Mendon, NY, appeared before the Board for an area variance at said property located SW of the Hopper Hills Drive intersection, consisting of 1.3 acres, bearing Tax Account No. 216.12-1-12, located in an RS-30 zone, to build a 12’ by 18’ storage shed approximately 5 feet from the side property line, whereas Town Code requires a 15 foot side setback.

Mr. Bassette stated the notification of publication was in the file along with the affidavit of posting. Mr. Bassette asked the Board if they were familiar with the property. The Board all responded yes.

Mr. Wright stated he would like to build a storage shed in his backyard. Mr. Wright showed the Board a picture of his backyard showing the flat area of the property. Mr. Wright stated the leach field is also in the backyard. Mr. Wright stated there is currently a bush in the location which will be removed to place the shed.

Mr. Wright stated the neighbor on that side does not have a problem with the shed being in the proposed location.

Mr. Wright stated it’s a prefab shed and will match the appearance of his home. Mr. Wright stated the existing trees will remain.

Mr. Wright stated if he placed the shed elsewhere on the property, it would take up usable space, be farther from the house and be on uneven ground.

Mr. Wright stated there would not be any power source to the shed, and it would be used strictly for storing items such as his snow blower, tractor and patio furniture.

Mr. Bassette asked if there would be any change in character in the neighborhood. Mr. Wright stated he thought it would be a positive change.

Mr. Bassette asked if there were alternative methods to achieve what Mr. Wright desires. Mr. Wright stated not that wouldn’t take away the use of the property.

Mr. Bassette asked if this was a significant request. Mr. Wright stated minor.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. Mr. Wright stated no.

Mr. Bassette asked if this was a self-created difficulty. Mr. Wright stated there would be no negative impact.

Mr. Cook asked the square footage of Mr. Wright’s home. Mr. Wright stated approximately 3,000 and the shed would be 12’ x 18’.

There were no other questions from the Board.

**MOTION**

Mr. Maxon moved, second by Mr. Lacey, to close the Public Hearing at 7:12 p.m.

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon – aye; and Mr. Lacey – aye, Mr. Cook – aye.

**MINUTES**

**MOTION**

Mr. Lacey moved, second by Mr. Cook, to approve the April 25, 2019 minutes as amended.

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon – aye; and Mr. Lacey – aye, Mr. Cook – aye.

**GENERAL DISCUSSION**

A discussion followed regarding the Wright determination.

**WRIGHT AREA VARIANCE DETERMINATION**

Ms. Sciortino moved, seconded by Mr. Maxon , that the area variance requested by Andrew Wright, 37 Drumlin View Drive, Mendon, NY, for an area variance at said property located SW of the Hopper Hills Drive intersection, consisting of 1.3 acres, bearing Tax Account No. 216.12-1-12, located in an RS-30 zone, to build a 12’ by 18’ storage shed approximately 5 feet from the side property line, whereas Town Code requires a 15 foot side setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Andrew Wright, the property owner, appeared before the Zoning Board of Appeals at the public hearing on June 13, 2019.
2. The applicant is requesting to place a storage shed 5 feet from their side lot line. Section 260-106 of the Mendon Zoning Code states RS-30 districts have a side setback of 15 feet.
3. The eastern side of the lot is a hill. The rear of the lot has an easement for a driveway to allow neighbors to the east to reach their houses.
4. The neighbor to the west has their house directly across the lot line from the proposed shed location. There is an existing tree line along the property line in this area. The applicant states this neighbor has no concerns with this variance.
5. The applicant states that placing the shed further from the property line will render the flat portion of the yard unusable for recreational activities.
6. The intended use is for storage, utilities will not be added.
7. No members of the public commented during the public hearing.
8. 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.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means, as the existing terrain and land usage deny the applicant other locations to place a shed.
2. The request **is** substantial, as it is a reduction of 66% 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 amount of land to be covered by the shed is minuscule.
4. The request will **not** have an undesirable change in the neighborhood, as the shed will be screened by existing trees.
5. The difficulty **was** self-created, as they chose to have sufficient possessions to warrant a shed be needed.
6. This is a Type II action under SEQR

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon – aye; and Mr. Lacey – aye, Mr. Cook – aye.

Ms. Sciortino stated she would not be here for the June 27th meeting.

**MOTION**

Mr. Maxon moved, second by Ms. Sciortino, to adjourn at 7:23 pm.

**APPROVED**

Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Maxon – aye; Mr. Cook – aye; and Mr. Lacey – aye.