A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 12, 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 Michelle Booth.

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

**OWEN AREA VARIANCE PUBLIC HEARING**

Griffen Owen, 50 Sheldon Road, Honeoye Falls, NY, appeared for an area variance at said property, located southwest of the Sheldon Road and Clover Street intersection, consisting of 24.785 acres, bearing Tax Account No. 203.04-1-16.31, located in an RA-5 zone, to build a cupola on the new stable building which will result in a cupola height of approximately 39 feet 8 inches, which exceeds the allowed height by 4 feet 8 inches.

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

Mr. Bassette stated the notification of publication was in the file along with the affidavit of posting.

Mr. Owen explained the need for the variance.

Mr. Bassette asked how many horses he has. Mr. Owen stated that they have 6.

Mr. Bassette asked if the older barns would stay on the property or be demolished. Mr. Owen stated that he might use one for storage but he really is not sure yet.

Mr. Bassette asked if the height increase was due to safety of the animals. Mr. Owen agreed, stating that ventilation is very important for the health of the horses.

There was some discussion about the property’s history.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

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

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

Mr. Bassette opened the public comment. There was no public.

**MOTION**

Ms. Sciortino moved, second by Mr. Maxon, to close the Public Hearing at 7:14 p.m.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Maxon moved, second by Ms. Sciortino, to approve the June 27, 2019 minutes as submitted.

**APPROVED**

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

**OWEN AREA VARIANCE DETERMINATION**

Ms. Sciortino moved, seconded by Mr. Maxon, that the area variance requested by Christine Owen, 50 Sheldon Road, Honeoye Falls, NY, for an area variance at said property, located southwest of the Sheldon Road and Clover Street intersection, consisting of 24.785 acres, bearing Tax Account No. 203.04-1-16.31, located in an RA-5 zone, to build a cupola on the new stable building which will result in a cupola height of approximately 39 feet 8 inches, which exceeds the allowed height by 4 feet 8 inches, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Griffen Owen, the property owner appeared before the Zoning Board of Appeals at the public hearing on September 12th, 2019.
2. The applicant is requesting to build an accessory building, which includes a cupola, with a maximum height of approximately 39 feet 8 inches. Section 260-8.C.(6) of the Mendon Zoning Code states no accessory building in a residential district shall exceed 35 feet in height.
3. The property for which the applicant seeks a variance is a flag lot with a non-standard shape. It is surrounded by additional properties also controlled by the applicant, totaling approximately 400 acres.
4. The cupola is 6 feet square, with a peak height of approximately 39 feet 8 inches. Disregarding the cupola, the highest point of the structure has a height of approximately 30 feet 6 inches.
5. The structure will be placed approximately 1/3 of a mile from the road. There are existing structures and tree lines between the structure’s location and the road.
6. Between distance and existing screening, the applicant believes the structure will not be visible from the street or nearby residences.
7. In order for the structure to serve its function of a stable, the applicant states the roofs height is needed. And likewise, that the cupola is needed for reasons of ventilation.
8. No members of the public commented during the public hearing.
9. 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.
2. The request is **not** substantial, as it is for ~5 feet in height for a cupola.
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 presence, or lack thereof, of the cupola is too small to have any meaningful impact on the environment.
4. The request will **not** have an undesirable change in the neighborhood, as the structure will be efficiently screened from any other residents.
5. The difficulty **was** self-created, as the applicants desire for a horse stable is driving this variance.
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.

**GENERAL DISCUSSION**

Ms. Sciortino regretfully informed everyone that her term ends in December 2019, she will be in Florida through April, so she will not be available to stay on the Board next year. She did state that upon her return if they need help still, she could fill in.

Mr. Lacey also stated that he will no longer be available after December 2019, as he and his family may relocate out of state. He has enjoyed his time on the Board and meeting everyone.

Mr. Cook stated that he is running for a position on the Town Board, if successful, he would not be able to do both.

**MOTION**

Ms. Sciortino moved, second by Mr. Cook, to adjourn at 7:27 pm.

**APPROVED**

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