A Regular Meeting of the Zoning Board of Appeals was held on Thursday, June 11, 2020, at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

 Stephen Maxon

 David Cook

 Stephen Tudhope

ABSENT: Dustin Cichon

ATTORNEY: David Hou

OTHERS: Town Councilman John Hagreen

Minutes were taken by Michelle Booth.

Mr. Bassette opened the meeting at 7:01 p.m.

**ROBINSON AREA VARIANCE PUBLIC HEARING**

Scott Robinson, 18 Gravel Hill Lane, Honeoye Falls, consisting of 5.95 acres, for a two-car garage at the end of the existing driveway at said property, with a side setback of approximately 13 feet, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-1. Tax account no. 221.01-3-32.

Mr. Bassette opened the public hearing.

Mr. Bassette acknowledged the affidavit of posting of the sign and waived the reading of the public notice.

Mr. Robinson explained his application and the need for this garage. His daughter has recently become ill and now requires a wheelchair, ramps, van and therapy equipment. The family needs more room for storage.

There was discussion about placement of the garage. There is a tree line that will act as a buffer to the neighbors. The septic location prevents any better options.

Mr. Robinson ensured the garage would aesthetically match the home and fit in the neighborhood.

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 yes.

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 yes.

**PUBLIC COMMENT**

1. Keith Checho, 41 Quaker Meeting House Rd, Honeoye Falls, was in the audience. He stated that he was a former neighbor to Mr. Robinson. He said the garage would not be an eye sore and that Mr. Robinson took good care of his property. If he still lived there, he said, he would be fine with the new garage.

**MOTION**

Mr. Cook moved, second by Mr. Maxon, to close the Public Hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Tudhope - aye.

**CHECHO AREA VARIANCE PUBLIC HEARING**

Keith and Jen Checho, 41 Quaker Meeting House Rd, Honeoye Falls, consisting of 3.8 acres, to construct a 25’ by 32’ detached garage at said property with a side setback of approximately 18 feet, whereas zoning code requires a side setback of 20 feet, therefore requiring an area variance. Zoned RA-1. Tax account no. 215.03-1-12.

Mr. Bassette opened the public hearing.

Mr. Bassette acknowledged the affidavit of posting of the sign and waived the reading of the public notice.

Mr. Checho stated he has spoken with the neighbor, they have no issue with the placement of the garage.

Mr. Bassette asked if they would be removing any trees. They answered no.

There was a discussion about the placement of the garage. The applicants explained that due to the septic, propane tank, and trees, this would be the best place for it. It will line up with an already existing turn-around area.

Mr. Bassette asked about the use of the garage. Mr. Checho stated they would be storing extra cars in it and explained they just moved into the home, their old home had a large storage barn and they need more room.

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.

There was no public comment.

**MOTION**

Mr. Maxon moved, second by Mr. Tudhope, to close the Public Hearing.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Tudhope - aye.

**MOTION**

Mr. Cook moved, second by Mr. Maxon, to approve the minutes from March 12, 2020 as submitted.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Tudhope - aye.

**ROBINSON AREA VARIANCE DETERMINATION**

Mr. Cook moved, seconded by Mr. Maxon, that the area variance requested by Scott Robinson, 18 Gravel Hill Lane, Honeoye Falls, consisting of 5.95 acres, bearing Tax Account No. 221.01-3-32, located in an RA-1 zone, for a two-car garage at the end of the existing driveway at said property, with a side setback of approximately 13 feet, whereas code requires a 20-foot side setback and therefore requires an area variance, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Scott Robinson, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 11th, 2020.
2. Section 260-106 of the Mendon Zoning Code states RA-1 has a side setback of 20 feet. The applicant is requesting a side setback of approximately 13 feet.
3. The applicant intends to build a detached garage to house their vehicles. This garage would be placed at the end of the existing driveway.
4. The need for this space was caused by the ongoing medical needs of a family member, which required the existing garage be refit to allow loading a wheelchair into a vehicle, and as such can no longer store as much.
5. The applicant acknowledges the potential alternatives of placing parking spots in the front yard, or extending the driveway further to the rear, but believes neither fit the aesthetics of the property or neighborhood.
6. Members of the public were given the opportunity to comment during the public hearing.
7. 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 relocating the garage would cause additional challenges.
2. The request **is** substantial, as it is a reduction in the requirement by approximately 35%.
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 it impacts such a small portion of land.
4. The request will **not** have an undesirable change in the neighborhood, as there will still be sufficient buffer for the neighboring property.
5. The difficulty was **not** self-created, as the medical situation is beyond the applicants’ control.
6. This is a Type II action under SEQR

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Tudhope - aye.

Mr. Hou advised there were a couple discrepancies in that short EAF for the Chechos’ application.

**CHECHO AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by Keith and Jen Checho, 41 Quaker Meeting House Rd, Honeoye Falls, consisting of 3.8 acres, bearing Tax Account No. 215.03-1-12, located in an RA-1 zone, to construct a 25’ by 32’ detached garage at said property with a side setback of approximately 18 feet, whereas zoning code requires a side setback of 20 feet, therefore requiring an area variance, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Keith and Jen Checho, the property owners appeared before the Zoning Board of Appeals at the public hearing on June 11th, 2020.
2. Section 260-106 of the Mendon Zoning Code states RA-1 has a side setback of 20 feet. The applicant is requesting a side setback of approximately 18 feet.
3. The applicant intends to build a garage on the side of their driveway, with the intended purpose of storing vehicles. The planned location is angled such that the closest corner is approximately 18 feet from the property line.
4. Alternative locations on the property are blocked, by septic, drainage, fuel storage, or terrain features.
5. Existing trees provide a degree of screening along the property border, and the closest house is a significant distance away.
6. There are a number of similar structures on nearby properties.
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 other locations on the lot are obstructed for various reasons.
2. The request is **not** substantial, as it is for approximately 2 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 area is too small.
4. The request will **not** have an undesirable change in the neighborhood, as it is adequately screened and there are similarly structures in the area.
5. The difficulty **was** self-created, as it is the applicants desire for storage that is driving this request.
6. This is a Type II action under SEQR

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Tudhope - aye.

**MOTION**

Mr. Tudhope moved, second by Mr. Maxon, to adjourn the meeting.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon– aye; Mr. Cook – aye; and Mr. Tudhope - aye.