A Regular Meeting of the Zoning Board of Appeals was held on Thursday, August 13, 2020, at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette

Dustin Cichon

David Cook

Stephen Tudhope

ABSENT: Stephen Maxon

ATTORNEY: David Hou

OTHERS: Town Councilman John Hagreen

Minutes were taken by Michelle Booth.

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

**GASCON AREA VARIANCE PUBLIC HEARING**

David Gascon, 20 Courtenay Circle, Pittsford, NY for an area variance at 187 Mendon Ionia Road, Honeoye Falls, NY consisting of 72 acres, to construct a free-standing sign measuring 6 feet by 10 feet high whereas code allows a 20 square foot sign with a maximum height of 6 feet, therefore requiring an area variance. Zoned RA-1. Tax account no. 216.04-1-10.1.

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. Gascon explained the reason for the variance. The right of way in area was set at 50 ft from the NYS Dept. of Transportation and then another 15 feet for the Town of Mendon. This makes the sign placement approximately 65 foot away from the road. The grade is about 6 foot lower in this area which is why the sign will need to be the height requested.

Mr. Bassette explained the requested size sign would need to go to the Monroe County Planning Board. This meeting would need to be extended until a response was received from the County unless the applicant could reduce the size.

There was discussion about the design of the sign. There will be lighting that will comply with Town Code.

Mr. Gascon stated he would like to amend the requested size to 5 x 10 to eliminate the need for another meeting.

Mr. Cichon stated this would be one of the biggest signs in the Town of Mendon, saying that Crosby’s gas station would be the only other one.

Mr. Gascon says that with the 660 ft of road frontage and the setbacks, the sign will not appear large or out of place.

Mr. Cichon had concerns that this would set a precedent for other businesses. Mr. Hou reminded the board that each property is different with their own hardships and should be looked at on a case by case basis.

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.

**PUBLIC COMMENT**

There was no public comment.

There was a discussion about the proposed height of the sign.

**MOTION**

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

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Tudhope moved, second by Mr. Cichon, to approve the minutes from June 25, 2020 as amended.

**APPROVED**

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

**GASCON AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Cichon, that the area variance requested by David Gascon, 20 Courtenay Circle, Pittsford, NY for an area variance at 187 Mendon Ionia Road, Honeoye Falls, NY consisting of 72 acres, bearing Tax Account No.216.04-1-10.1, located in an RA-1 zone, to construct a free-standing sign measuring 5 feet by 10 feet high whereas code allows a 20 square foot sign with a maximum height of 6 feet, therefore requiring an area variance, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. David Gascon, the property owner appeared before the Zoning Board of Appeals at the public hearing on August 13, 2020.
2. On February 21, 2019 the applicant received a variance to operate a permanent farm market at this location, primarily to sell wine produced from the grapes grown on site.
3. Section 260-71.A.(2) of the Mendon Zoning Code states the area of the sign shall not exceed 20 square feet, and the height of the sign shall not exceed six feet. The applicant originally requested to construct a sign with area of 60 square feet and height of ten feet. During the hearing, the applicant agreed to constructing a sign with area of 50 square feet and height of ten feet.
4. The planned location of the sign is approximately 65 feet back from the road. This location is approximately 6 feet lower than the roads elevation.
5. The property has approximately 660 feet of road frontage. The signs planned location is approximately 150 feet from the neighboring property.
6. No members of the public commented 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 a smaller sign would be easily overlooked at the distance it is setback.
2. The request **is** substantial, as it is 2.5 times the allowed square footage and nearly twice the allowed height.
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 there is sufficient open space in the area.
5. The difficulty **was** self-created, as the applicant created the business that they are now asking for signage for.
6. This is a Type II action under SEQR

**APPROVED**

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

**MOTION**

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

**APPROVED**

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