A Regular Meeting of the Zoning Board of Appeals was held on Thursday, May 9, 2013, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Kevin Wright, Chair

Don Thorp

Liz Sciortino

Bruce Peckham

Don Irvine

ATTORNEY: Doug Jones Attorney

OTHERS: 3

Minutes were taken by Debbie Tvrdik.

Mr. Wright called the meeting to order at 7:00 p.m.

**TOOLEY AREA VARIANCE PUBLIC HEARING**

An application by David A. Tooley, 4312 Clover Street, Honeoye Falls, NY came before the Board for an area variance at said property, consisting of 1.2 acres, bearing tax account no. 215.01-1-47, to construct a 12’x 28’ lean to addition to his existing storage shed, which already exceeds his 1% allowed lot coverage by approximately 611 square feet.

Mr. Wright stated that the affidavit for the posting of the sign was in the file, waived the reading of the public notice because it was published in the Sentinel and asked if the Board had a chance to see the property. The Board members stated they had seen the property.

David Tooley stated that he needed more storage as the garage now stores 4-wheelers, dirt bikes a tractor and older boat which needs to be under cover. Mr. Tooley stated that he would like to come out 12 feet off the back of the garage for storage and make room for his cars in the garage. Mr. Wright stated that the Application mentions a lean-to. Mr. Tooley stated that the ceilings are 10 feet high and there is a beam at that height, so the roof will extend 12 feet out from that height and will drop down to 8 feet high and there will be three walls, the garage being the fourth. Mr. Wright clarified that it will be enclosed. Mr. Tooley stated yes. Mr. Irvine asked if it would have a gable roof. Mr. Tooley stated it will be a flat sloped roof. Mr. Tooley stated that it will be constructed with the same materials as the current garage, same metal siding, roof, windows and overhead door will be facing away so you cannot see if from either road.

Mr. Wright asked if the garage was built after Mr. Tooley purchased the property. Mr. Tooley stated that the living room was glassed on three sides and could have been the original garage or a carport but he gutted the house down to one original wall. Mr. Wright stated that at some point that area was converted into living space. Mr. Tooley agreed. Mr. Wright stated that when Mr. Tooley moved in he had to build a garage. Mr. Tooley stated that he had to build a driveway and then built the existing garage.

A discussion followed regarding a stand-alone garage a2 not being part of the accessory structure component; the garage would not count as an accessory structure; everyone is entitled to have a garage and that due to the size of the lot Mr. Tooley exceeds the 1% requirement.

Mr. Irvine asked Mr. Tooley what the previous variance was for. Mr. Tooley stated that there were two variances one for the garage and one for the addition on the house because it was preexisting nonconforming.

A discussion followed regarding the two variances.

Mr. Wright asked if Mr. Tooley plans to take out the back wall of the garage. Mr. Tooley stated no. Mr. Wright asked if Mr. Tooley plans to have lighting installed. Mr. Tooley stated that he planned to have clear panels to let light through but the neighbors might not like the looks of it so he plans to add lighting. Ms. Sciortino asked if the entrance will be from the garage or on the outside. Mr. Tooley stated there will be a 36 inch door in the garage and then an overhead door which will face the east toward the back of the property toward the pool.

A discussion followed regarding placement on the site plan.

Mr. Wright asked if Mr. Tooley plans to have windows. Mr. Tooley stated that there will two to three additional windows for natural lighting. Mr. Wright stated that Mr. Tooley has a fence that is 6 feet tall. Mr. Tooley stated yes. Mr. Wright stated that the fencing screens your property from the next house. Mr. Tooley stated yes.

Mr. Wright asked if there were any further questions.

Mr. Wright asked the Mr. Tooley the following questions:

1. Whether the benefit you want to achieve can be achieved by any other means feasible to you. Mr. Tooley stated no.
2. In your view, will this create an undesirable change in the character of the neighborhood or any other nearby property? Mr. Tooley stated no.
3. Is this request substantial? Mr. Tooley stated yes.
4. Will this request have adverse or environmental effects? Mr. Tooley stated no.
5. Is this alleged difficulty self-created? Mr. Tooley stated yes.

Mr. Wright asked if there were any further questions or comments from the public regarding this application. There were no comments. Mr. Wright asked if there were any further questions from the Board. There were no further questions.

**MOTION**

Ms. Sciortino moved, seconded by Mr. Irvine, to close the Public Hearing.

#### ADOPTED

#### Mr. Thorp – aye; Ms. Sciortino - aye; Mr. Peckham – aye; Mr. Wright – aye and Mr. Irvine - aye.

Mr. Tooley left the meeting at 7:13 pm.

**MINUTES**

**MOTION**

Mr. Irvine moved, seconded by Mr. Wright, to approve the minutes of the April 25, 2013 meeting with amendments.

#### ADOPTED

#### Mr. Thorp – aye; Ms. Sciortino - aye; Mr. Peckham – aye; Mr. Wright – aye; Mr. Irvine -aye.

A discussion followed regarding keeping the Public Hearing open for the Petrisek Application and it being continued at the next meeting and the open meeting law was explained to a student and her mother who were present to attend a community meeting for an 8th grade homework assignment.

TOOLEY DETERMINATION

Mr. Wright moved, seconded by Mr. Bruce, that the area variance requested by David A. Tooley, 4312 Clover St., Honeoye Falls, NY, a 1.2 acre parcel in a RA-1 zone, bearing Tax Account No. 215.01-1-47, to construct a 12’ X 28’ lean to addition to an existing storage shed, which already exceeds the 1% lot coverage for accessory buildings (by 611 sq. ft.) allowed by code be approved based on the following findings of fact and conclusions of law, with a condition:

**FINDINGS OF FACT**

1. David Tooley appeared before the Zoning Board of Appeals at the public hearing on May 9, 2013.
2. The proposed lean-to addition adds 12’ to the depth of a 36’ existing detached storage building that also is the free standing garage for this home.
3. The proposed addition is screened by the existing building from Mendon Center Road.
4. The location of the proposed addition is 156’ from Clover St. (this is a corner lot on the corner of Clover St. and Mendon Center Road).
5. No members of the public testified at the public hearing.

**CONCLUSIONS OF LAW**

1. The benefit David Tooley is attempting to achieve cannot be achieved by other means.
2. The granting of this variance will not create an undesirable change in neighborhood character or to nearby properties.
3. The request is not substantial.
4. The request will not have adverse physical or environmental effects.
5. The difficulty is self-created.
6. This is Type II action under SEQR.

**CONDITIONS**: That the addition be constructed consistent with the drawings provided to the ZBA with this application. The Code Enforcement officer of the Town of Mendon will confirm final approval that this condition has been met. The addition will be consistent with the appearance of the existing structure to which it is attached.

A discussion followed regarding Mr. Wright not being at the next three meetings and Mr. Irvine will chair the May 23rd meeting and that there will be a quorum for these meetings.

A discussion followed regarding the Town Supervisor, Mr. Moffitt, suggesting it be appropriate for the Town Board to appoint a Vice Chair for the Zoning Board of Appeals.

A discussion followed regarding an alternate being approved for the Zoning Board.

**MOTION**

Mr. Irvine moved, seconded by Ms. Sciortino to adjourn the meeting.

#### ADOPTED

#### Mr. Thorp – aye; Ms. Sciortino - aye; Mr. Peckham – aye; Mr. Wright – aye and Mr. Irvine - aye

The meeting adjourned at 8:15 p.m.