A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 10, 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

 Bruce Peckham

 Don Irvine

ABSENT: Liz Sciortino

ATTORNEY: Doug Jones

OTHERS: 5 others

Minutes were taken by Bonnie Toomey

Mr. Wright called the meeting to order at 7:08 p.m.

**POLISSENI AREA VARIANCE PUBLIC HEARING**

Margaret Polisseni, 1535 W. Bloomfield Road, Honeoye Falls, NY, appeared before the Board for an area variance at said property, south of the Boughton Hill Road intersection, consisting of 5.56 acres and bearing Tax Account No 223.03-1-37, located in an RA-5 zone, who has an application before the Planning Board for a Special Use Permit for a kennel because applicant owns more than 4 dogs, to allow the dogs to be in the front yard, whereas Chapter 200-38(12)(f) says no area enclosed by fences for the use of animals shall be permitted in the front yard.

Mr. Wright stated that the affidavit of posting of the sign was in the file and waived the reading of the public notice.

Mr. Wright asked the Board if they were all familiar with the property. The members stated they were.

Ms. Polisseni stated that she originally made an application to the Planning Board for a Special use permit for a kennel. She said the Planning Board had a problem with the invisible fence in the front yard and definition of fence and structure.

Mr. Steven Pratt, also residing at 1535 W. Bloomfield Road, Honeoye Falls, NY, added that they are not operating a kennel but they have more than three pet dogs but less than eight.

Mr. Wright asked how many dogs they have.

Ms. Polisseni said six.

Mr. Wright asked if they were all the same breed and what breed.

Ms. Polisseni said they were all German Sheperds.

Mr. Wright noted that they also have horses and asked how many.

Ms. Polisseni said two.

Mr. Wright referred to an aerial picture of the property and reviewed property lines, physical fencing and the blue line indicating the placement of the invisible fence with Ms. Polisseni.

Mr. Jones said for a special use permit, kennel pertains to dogs only. Mr. Jones read the section of the Zoning pertaining to kennels, specifically regarding having a fence in the front yard. He stated that the point of discussion is fences. An invisible fence is an animal control device, not a fence.

There was discussion on the physical fencing and the invisible fencing on the property. In regards to the physical fence, Ms. Polisseni said it is there to keep other animals off their property, Mr. Jones stated that it was irrelevant because it is not used to contain the dogs in the front yard. Given the invisible fence that they have, the dogs aren’t going to get to that fence; it does not apply to the dogs.

Mr. Wright stated that looking at the aerial photograph, Ms. Polisseni has quite a bit of fencing. He asked if she fenced behind the house, would that eliminate the need for the invisible fence in the front.

Ms. Polisseni answered that would create issues with use of the wrap around porch, the dogs would not be able to exit the front door to go to the car and would not be able to go to the barn.

There was a discussion on what action the Board should or should not do. The definition of “fence” and “structure” were reviewed. Mr. Jones said he would draft a determination.

There were no other questions from the Board.

Mr. Wright opened the meeting to comments from the public.

**Bob Finn, 1525 West Bloomfield Road, Honeoye Falls, NY** stated Ms. Polisseni takes very good care of her animals, they are very well behaved and they stay home. He also said that their (Polisseni) property is in keeping with what Mendon is all about.

**Sandy Finn, 1525 West Bloomfield Road, Honeoye Falls, NY** stated that Ms. Polisseni’s dogs “get it” referring to being trained to stay in their own yard. Other neighbor’s dogs are out all the time. She said Ms. Polisseni and Mr. Pratt are great neighbors.

**Mark Williamson, 1559 West Bloomfield Road, Honeoye Falls, NY** came to the meeting because of the word kennel. He found that worrisome and thought it was indicating a business for animals or dogs like Add-En-On Kennels. This is different than having a commercial business.

Mr. Wright asked if the benefit could be achieved by any other means. Ms. Polisseni stated no.

Mr. Wright asked if this would result in an undesirable change to the neighborhood. Ms. Polisseni stated no.

Mr. Wright asked if this request was substantial. Ms. Polisseni stated no.

Mr. Wright asked if there were any adverse physical or environmental effects. Ms. Polisseni stated no.

Mr. Wright asked if this was a self-created difficulty. Ms. Polisseni stated no.

**MOTION**

Mr. Irvine moved, seconded by Mr. Wright, to close the public hearing.

**ADOPTED**

Mr. Wright – aye; Mr. Thorp – aye; Mr. Irvine – aye and Mr. Peckham – aye.

Mr. Wright advised Ms. Polisseni that Board would have the determination at the next meeting which is October, 24, 2013. Mr. Wright said Ms. Polisseni could call Mary Fletcher the next day for the results.

**MOTION**

Mr. Wright moved, seconded by Mr. Irvine, to approve the minutes of the September 11, 2013 meeting as written.

**ADOPTED**

Mr. Wright – aye; Mr. Thorp – aye; Mr. Irvine – aye and Mr. Peckham – aye.

**MOTION**

Mr. Wright moved, seconded by Mr. Peckham, to adjourn the meeting at 7:43 p.m.

**ADOPTED**

Mr. Wright – aye; Mr. Thorp – aye; Mr. Irvine – aye and Mr. Peckham – aye.