A Regular Meeting of the Zoning Board of Appeals was held on Thursday, December 12, 2013, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Kevin Wright

Don Irvine

Bruce Peckham

Don Thorpe

ABSENT: Liz Sciortino

ATTORNEY: Doug Jones

OTHERS: Richard Steamer, Richard Sr. and Karen Steamer

Minutes were taken by Bonnie Toomey.

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

**STEAMER AREA VARIANCE PUBLIC HEARING**

Richard Steamer, 640 Pittsford Victor Road, Pittsford, NY, for an area variance on 11.61 acres located on Boughton Hill Road, west of the Route 64 intersection, bearing Tax Account no. 223.04-1-3.1, located in an RA-1 zone, to allow a 240 square foot shed on the property which does not contain a primary residence, whereas Town Code only allows an accessory structure when a principal building exists.

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.

Richard Steamer stated he would like the variance for a 240 square foot shed for agriculture and equipment. The purpose is to keep items safe from vandals and weather.

Mr. Wright asked how recent the shed was put in place.

Mr. Steamer stated October.

Mr. Wright asked about the vehicle on the property and if it was mobile.

Mr. Steamer said it is a farm truck and it is mobile.

Mr. Wright asked if the property had adjoined the property to the North.

Mr. Steamer stated that it had.

Mr. Wright asked how long Mr. Steamer has been maintaining the property.

Mr. Steamer answered 8 years.

Mr. Wright asked who maintained it before that and Mr. Steamer answered it was maintained by himself, his mother and father.

Mr. Wright asked how long it was family owned.

Mr. Richard Steamer, Sr. answered since 1975.

When asked, Mr. Steamer answered Mr. Wright that he was planning a tree farm for the property which he would plant himself.

Mr. Wright asked if this shed was going to be adequate.

Mr. Steamer stated that it was good now; down the road he may need a bigger barn.

Mr. Wright consulted with Mr. Jones as to when the property is considered agricultural where there would be no restriction and if there was a size minimum.

Mr. Jones stated that it would meet the definition of agriculture when it was being maintained as a tree farm and there is no minimum size.

Mr. Wright asked if Mr. Steamer has a schedule in mind for the tree farm.

Mr. Steamer answered that he would order the seedlings in January and plant in the spring.

Mr. Irvine asked if Mr. Steamer would have a problem if there was a condition on the approval regarding when the agricultural activity would start.

Mr. Steamer indicated he did not have a problem with that condition.

Mr. Wright asked if the farm vehicle was usable and if there would be a problem if he was told it has to be moved.

Mr. Steamer answered no problem with moving the vehicle. Mr. Richard Steamer Sr. added that the vehicle was a good truck until a hunter shot it up and that was the reason for the shed.

Mr. Wright noted that Mr. Steamer, in his application, talks about using 7 acres of the 11.61 acre parcel. He questioned if he intended to clear the wooded area.

Mr. Steamer stated that he did not intend to clear the wooded area.

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

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

Mr. Wright asked if this request was substantial. Mr. Steamer stated yes.

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

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

**MOTION**

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

**ADOPTED**

Mr. Wright – aye; Mr. Irvine – aye; Mr. Thorpe – aye; Mr. Peckham – aye.

**PUBLIC COMMENT**

No public other than Steamer family.

Mr. Wright advised Mr. Steamer to call Mary Fletcher in the morning for the decision.

**MINUTES**

**MOTION**

Mr. Irvine moved, seconded by Mr. Peckham, to approve the minutes of the October 10, 2013 meeting as written.

**ADOPTED**

Mr. Wright – aye; Mr. Irvine – aye; Mr. Thorpe – aye; Mr. Peckham – aye.

**STEAMER DETERMINATION**

Mr. Wright moved, seconded by Mr. Irvine, that the area variance requested by Richard Steamer, 640 Pittsford-Victor Rd., Pittsford, NY for an 11.61 acre property on Boughton Hill Road, west of the Route 64 intersection, bearing tax account no. 223.04-1-3.1, located in an RA-1 zone, to allow a 240 square foot shed on the property which does not contain a primary residence, whereas Town Code only allows an accessory structure when a principal building exists, be approved based on the following findings of fact and conclusions of law, with a condition:

**FINDINGS OF FACT**

1. Richard Steamer appeared before the Zoning Board of Appeals at the public hearing on December 12, 2013.
2. The Steamer property has been owned by the family for over 40 years, and by Richard Steamer for 8 years. During that time the family has maintained the property (mowing, installing a gravel driveway) for its personal use. The property also contains a non-running vehicle.
3. The purpose of the shed is to allow the storage of property maintenance equipment. The shed is designed to protect this equipment from theft, vandalism, and the elements.
4. The property owner does not intend to develop this property as a homesite. Instead, his intent is to utilize approximately 7 acres for agricultural purposes.
5. No members of the general public appeared at the public hearing.

**CONCLUSIONS OF LAW**

1. The benefit Richard Steamer 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 not self-created.
6. This is Type II action under SEQR.

**CONDITIONS**

The non-running vehicle be removed from the property within six months of the date of this determination.

The agricultural activity begin within one year of the date of the filing of this determination.

**MOTION**

Mr. Wright moved, seconded by Mr. Irvine, to approve the Steamer Area Variance Determination as amended.

**ADOPTED**

Mr. Wright – aye; Mr. Irvine – aye; Mr. Thorpe – naye; Mr. Peckham – aye.

There are no applications in for a January 9, 2013 meeting at this time.

**MOTION**

Mr. Peckham moved, seconded by Mr. Wright, to adjourn the meeting at 7:35 p.m.

**ADOPTED**

Mr. Wright – aye; Mr. Irvine – aye; Mr. Thorpe – aye; Mr. Peckham – aye.