A Regular Meeting of the Zoning Board was held on Thursday October 23, 2014 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, New York, 14472 at 7:00 p.m.

PRESENT: Kevin Wright

 Meribeth Palmer

 Bruce Peckham

 Liz Sciortino

 Don Thorp

ATTORNEY: Jeffrey Clark

OTHERS: 6

Minutes were taken by Elizabeth Proctor

Mr. Wright began the meeting at 7:05 p.m.

Mr. Wright changed the order, and requested the Worleys go before the Wilmots. The Wilmots agreed.

**WORLEY AREA VARIANCE PUBLIC HEARING**

Ron and Theresa Worley, 19 Country Meadow Drive, Honeoye Falls, NY came before the Board for an area variance at said property, near the W. Bloomfield and Bulls Saw Mill intersection, consisting of 2.9 acres and bearing Tax Account No 216.01-1-41, located in an RA-1 zone, to allow an existing shed to be 6 feet from the side property line whereas Town Code requires a 20 foot side setback.

Mr. Wright noted that the affidavit for posting of the sign was in the file and then waived the reading of the Public Notice as it was published in the Sentinel. Mr. Wright asked if all members of the Board had seen the property and all members stated they had.

Mr. Worley and Mrs. Worley stated they built a pool on the property in 2004. The pool had a heater and a pump and they put a shed around it. In building a shed, they did not get a building permit. Since then, they did some rock work around the shed. It is a permanent structure. It is 6 feet from the property line, and there is forest in the back.

Mr. Wright pointed out that there is a sold sign on the property.

Mr. Worley stated that they’re selling the property and the buyer’s want to close tomorrow, and they need this matter settled.

Mr. Wright stated that we have your public hearing tonight, and others tonight. Normally we would decide this at our next meeting two weeks from tonight- no longer than that.

Mr. Worley understood that a decision may not happen tonight, but that a closing still may happen tomorrow.

Mr. Worley stated there are no neighboring residences behind his home.

Discussion follows.

Mr. Wright asked if Mr. & Mrs. Worley had any questions for the Board. They had no questions.

Mr. Wright asked if this would change the character of the neighborhood. Mr. Worley stated no.

Mr. Wright asked if there was an alternative method. Mr. Worley answered no.

Mr. Wright asked if the degree of the variance was substantial. Mr. Worley stated no.

Mr. Wright asked if there would be any adverse physical or environmental effects. Mr. Worley stated no.

Mr. Wright asked if this was self-created. Mr. Worley stated yes.

Mr. Wright asked if they public had any questions, there were no additional questions.

**MOTION**

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

**ADOPTED**

Ms. Sciortino- aye, Mr. Thorp-aye, Ms. Palmer-aye; Mr. Peckham- aye; Mr. Wright- aye

**P.J. WILMOT AREA PUBLIC HEARING**

Eric Grey of Wilmorite for P.J. Wilmot, 162 Smith Road, Pittsford, NY came before the Board for an area variance at said property approximately 3,100 feet west of the W. Bloomfield intersection consisting of 12.199 acres and bearing Tax Account No 205.01-1-12.22, located in an RA-5 zone, to construct an entry gate with its highest point being 7 feet, whereas Town Code allows a 4 foot high fence above ground level in the front yard.

Mr. Wright noted that the affidavit for posting of the the sign was in the file and then waived the reading of the Public Notice as it was published in the Sentinel. Mr. Wright asked if all members of the Board had seen the property and all members stated they had.

Mr. Wright asked if this is a security gate.

Erick Grey- Wilmorite Construction, responded that will be a security gate. It will be a metal constructed gate, lower on the sides, 5-6 feet, and at the tallest spot 7 feet. The main purpose is as a deterrent.

Mr. Wright asks if it will be a power gate.

Mr Grey responded that it will be a power gate.

Mr. Wright asked if there’s power to the gate, and lighting.

Mr Grey responded yes there’s power but no lighting.

Mr. Wright stated the board has had a lot of these gate related situations come before the board in the past few months. We also have a letter from Ed Walsh, a neighbor, in support of your application.

Mr. Wright asked if there would be a change in the character of the neighborhood. Mr. Grey stated no.

Mr. Wright asked if there were any alternative methods. Mr. Grey stated no.

Mr. Wright asked if the degree of the variance was substantial. Mr. Grey stated no.

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

Mr. Wright asked if this was self-created. Mr. Grey stated yes.

Mr. Wright asked if they public had any questions, there were no additional questions.

**MOTION**

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

**ADOPTED**

Ms. Sciortino- aye, Mr. Thorp-aye, Ms. Palmer-aye; Mr. Peckham- aye; Mr. Wright- aye

**MOBIL AREA VARIANCE PUBLIC HEARING- BUILDING SIGN**

Adam Freeman of LandTech and Ken Forrelli, owner, 7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 came before the Board for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to install 2 building mounted signs on an existing 1 story convenience store, whereas Town Code does not allow signs in a residential zone.

**MOBIL AREA VARIANCE PUBLIC HEARING-CANOPY SIGNS**

Adam Freeman of LandTech and Ken Forrelli, owner, 7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 came before the Board for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to replace the previous operator’s 4 canopy signs with 2 canopy mounted signs on an existing fuel pump canopy whereas Town code does not allow signs in a residential zone.

**MOBIL AREA VARIANCE PUBLIC HEARING-MONUMENT SIGN**

Adam Freeman of LandTech and Ken Forrelli, owner, 7067 Rush Lima LLC, 2697 Lakeville Road, Suite 1, Avon, NY 14414 came before the Board for an area variance at 7067 Rush Lima Road Mobil Station. Property is near the Sibley Road intersection, consisting of 0.92 acres and bearing Tax Account No 221.03-2-31, located in an RS 30,000 zone to install a 2-sided monument sign to replace an existing 2 sided pole sign, whereas town code does not allow signs in a residential zone.

**MOVED**

Mr. Wright moved, seconded by Mr. Peckham to combine all three public hearings concerning the Mobil Area Variance into one Public Hearing.

**ADOPTED**

Ms. Sciortino- aye, Mr. Thorp-aye, Ms. Palmer-aye; Mr. Peckham- aye; Mr. Wright- aye

Mr. Wright stated that the filing is detailed but that there are no renderings of what things will look like

once things are done.

Mr. Wright asked where the building sign will be.

Mr Freeman stated the building has a flat roof with a short shingled section and the sign will go on that area.

Mr. Forrelli stated the sign will be anchored to the roof using a bracket structure.

Mr. Wright asked if this sign will be lighted.

Mr. Forelli responded that the sign will be lighted.

Discussion follows

Mr. Wright asked of the 12 stores you have, how many have signs that are roof mounted vs. wall mounted.

Mr. Forrelli stated every building is different, most of these signs are building mounted.

Mr. Wright asked what if we said we wanted this sign wall mounted, can you accommodate that?

Mr. Forrelli stated yes.

Discussion follows.

Mr. Wright asked what are the normal operating hours?

Mr. Forrelli responded 5a.m.-10p.m.

**Canopy Sign**

Mr. Wright asked if there’s a corporate entity that helps you with this?

Mr. Forrelli stated that this is Corporate standard. You would find this on any recently renovated Mobil station. They have reduced lighting.

Mr. Wright stated the canopy has three sides facing 15A.

Mr. Freeman stated just on the North and South sides. Nothing facing the West.

Mr. Forrelli stated the Valero signs were twice as large.

Mr. Wright stated we try really hard to visualize what it will look like after we grant the variance.

Anything else on the canopy sign?

Mr. Freeman states we are reducing the square footage of signage.

**Monument Sign**

Mr. Forrelli stated they are proposing a subtle design and taking the current sign two times lower than the current sign.

Mr. Wright asked that this is the only monument sign.

Mr. Forrelli stated yes.

Mr. Wright asked if it was a backlight, fully lit sign.

Mr. Forelli stated yes.

Ms. Sciortino asked if it was illuminated from the outside or inside.

Mr Forelli and Mr. Freeman stated inside.

Mr. Wright asked if the lights would be turned on even when the store was closed. Mr. Forelli stated only internal pumplights would be on after closing.

Discussion follows

Mr. Wright asked the public if they had any questions.

Mr. Wright stated it looks like we’re going to leave the public hearing open

**MOTION**

Mr. Peckham moved, seconded by Mr. Wright to leave public hearing open.

**ADOPTED**

Ms. Sciortino- aye; Mr. Thorpe-aye; Ms. Palmer-aye; Mr. Peckham – aye, Mr. Wright – aye.

Mr. Wright stated we will reconvene on November 13th, 2014.

**MOTION**

Mr. Peckham moves a draft of a determination of a Variance for the Worley’s. Mr. Wright seconded.

**WORLEY DETERMINATION**

Mr. Peckham moved, seconded by Mr. Wright, that the application of Ron and Theresa Worley, 19 Country Meadow Drive, Honeoye Falls, NY, for an area variance at said property, near the West Bloomfield and Bulls Saw Mill intersection, consisting of 2.9 acres and bearing Tax Account No. 216.01-1-41, located in an RA-1 zone, to allow an existing shed to be 6 feet from the side property line, whereas Town Code requires a 20 foot side setback, be approved subject to the following Findings of Facts and Conclusions of Law:

**FINDINGS OF FACT**

1. Ron and Theresa Worley, 19 Country Meadow Drive, Honeoye Falls, NY, 14472, appeared at a public hearing before the Zoning Board of Appeals on October 23, 2014.
2. The subject structure is a pre-existing shed built to house swimming pool hardware after installation of the pool in 2004.
3. The property on which the shed is situated backs up to a conservation easement which is forested and contains no neighboring residence.
4. The residential property at 19 Country Meadow Drive is under a contract of sale. The variance is an obstacle to closing.
5. On October 10, 2014, the Planning Board released the easement granted to provide for the pool shed at issue.

**CONCLUSIONS OF LAW**

1. The granting of the variance will not result in an adverse change to the character of the neighborhood.
2. The granting of the variance will not have a negative environmental impact.
3. The variance is substantial.
4. The difficulty is self-created.
5. The action is a Type II action under SEQR.

MOTION

Mr. Wright moved, seconded by Ms. Sciortino to adjourn at 8:45 pm.

ADOPTED

Mr. Thorp – aye, Mr. Peckham – aye, Mr. Wright – aye and Ms. Sciortino – aye.