A Regular Meeting of the Zoning Board was held on Thursday, February 12, 2015 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, New York, 14472 at 7:00 p.m.

PRESENT: Kevin Wright

 Bruce Peckham

 Liz Sciortino

ABSENT: Meribeth Palmer

 Don Thorp

ATTORNEY: Jeffrey Clark

OTHERS: 4

Minutes were taken by Mary Fletcher.

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

Mr. Wright stated that two members of the Board were not present, but because there was still a quorum, the public hearing would proceed.

**SHONE AREA VARIANCE PUBLIC HEARING (Continued)**

Tom and Michele Shone, 7 Morgan Chase, Honeoye Falls, NY, appeared before the Board for an area variance at said property, located near Boughton Hill and Hunt Club, consisting of 3.86 acres and bearing Tax Account No 224.03-1-47, located in an RA-1 zone, for an existing 12’ x 20’ shed with a side setback of 14’ from the property line, whereas Town Code requires a side setback of 20 feet.

Tom and Michele Shone appeared before the Board. Mr. Wright stated the Board had received additional information since the last meeting.

Mr. Wright stated that the issue from the last meeting was the conservation easement on the subject property. Mr. Wright stated he spoke to the code enforcement officer and the conservation easement is an issue for the planning Board. Mr. Wright stated the variance issue must be settled before the planning board can hear the conservation easement issue.

The Board, the applicants, Mr. Przysinda residing at 9 Morgan Chase and his attorney, Mr. Hurwitz, reviewed the Mendonshire Subdivision map, provided by the CEO. The board familiarized themselves with the lots surrounding the Shone’s property.

A discussion followed regarding the location of lots and the signatures on the submitted petitions.

A discussion following regarding when the shed was placed on the pad. Ms. Shone stated the shed was there when they received their certificate of occupancy. She stated she has pictures of the shed being installed when the siding was being installed on the house.

Mr. Hurwitz stated that he and Mr. Przysinda ask that the Board take the existence of the covenants into consideration. A discussion followed regarding the Mendonshire covenants.

Mr. Peckham stated the Board has reviewed the covenant material. Mr. Peckham asked if there was any vehicle to enforce covenant violations in the neighborhood – is there a homeowners association. Ms. Shone stated there was not. Mr. Peckham asked if any of the covenant violations had been enforced. Ms. Shone stated no.

Mr. Peckham stated the covenants serve as guidelines. Mr. Hurwitz stated they are absolutely legally enforceable.

A discussion followed.

Mr. Peckham asked if the variance were denied, what alternatives would the Shones have – could they move the shed to the east or west a few feet? Ms. Shone stated moving the shed would disturb some trees. Mr. Shone stated they had no intention of taking the shed down.

Mr. Wright asked if the trees were there when the shed was placed. Mr. Shone stated yes.

Mr. Wright asked if there were any other comments.

A discussion followed regarding petitions that had been submitted by the Shones and Mr. Przysinda.

A discussion followed regarding the covenants.

Mr. Clark stated Board members can speak to the CEO about this application once the public hearing is closed.

A discussion followed regarding whether the shed was in the side or backyard of the Shone’s property.

There were no other comments.

**MOTION**

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

**ADOPTED**

Mr. Wright – aye; Ms. Sciortino – aye; and Mr. Peckham – aye.

Mr. Wright stated the Board had 60 days from the closing of the public hearing to make a decision.

**MINUTES**

Mr. Wright moved, seconded by Ms. Sciortino, to approve the minutes of the January 8, 2015 meeting, as amended.

**APPROVED**

Mr. Wright – aye; Ms. Sciortino - aye; and Mr. Peckham – aye.

A discussion followed.

Mr. Wright stated that the Shone Determination would be on the agenda for the next meeting on February 26, 2015.

**MOTION**

Mr. Wright moved, seconded by Ms. Sciortino, to adjourn the meeting at 8:40 pm.

**APPROVED**

Mr. Wright – aye; Ms. Sciortino - aye; and Mr. Peckham – aye.