A Regular Meeting of the Zoning Board of Appeals was held on Thursday, August 11, 2016, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

Meribeth Palmer

Daniel Bassette

Clayton Lacey

ABSENT: Liz Sciortino, Jeffrey Clark

OTHERS: Cindy Carroll

Minutes were taken by Michelle Booth.

Mr. Peckham opened the meeting at 6:55 p.m.

**ROBSON AREA VARIANCE PUBLIC HEARING**

Stephen Robson, 45 Hopper Hills Way, Mendon, NY, consisting of 0.7137 acres, bearing Tax Account No. 216.12-1-39, located in an RS-30,000 zone, to construct a 20 x 40 foot pool with a side setback of 10 feet and a rear setback of 15 feet whereas Town Code requires a 15 foot side setback and a 20 foot rear setback.  According to Chapter 86, Definitions, Yard, Front, “Where a lot abuts more than one dedicated street, the front yard shall be determined by the address.”

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

The Board was familiar with the application and location.

Mr. Robson stated that they are on a corner lot and the back yard is too narrow of a space to construct the pool without losing privacy that their family requires.

Mr. Robson stated that both bordering neighbors were fine with the proposed placement of the pool. Pat Welch has agreed to sell a small portion of her property to allow for the construction.

Mr. Bassette asked if the land had already been purchased. Mr. Robson stated that all the papers had been signed and it was being finalized currently.

Mr. Bassette inquired about the location of the septic. Mr. Robson said that it is in the front yard of the home.

Mr. Lacey asked about the drainage in the area where the pool will be constructed. Mr. Robson ensured him that the drainage was sufficient in the proposed area.

There were no other questions from the Board.

**MOTION**

Mr. Bassette moved, seconded by Mr. Lacey, to close the public hearing.

**ADOPTED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Palmer – aye; and Mr. Lacey – aye.

**MINUTES**

**MOTION**

Mr. Peckham moved, seconded by Ms. Palmer, to approve the minutes of the May 26, 2016 meeting as written.

**APPROVED**

Ms. Palmer – aye; Mr. Peckham – aye; Mr. Bassette – aye; and Mr. Lacey – aye.

Mr. Peckham moved, seconded by Ms. Palmer, that the area variance requested by Stephen and Terri Robson, 45 Hopper Hills Way, Mendon, NY, consisting of 0.7137 acres, bearing Tax Account No. 216.12-1-39, located in an RS-30 zone, to construct a 20 x 40 foot pool with a side setback of 10 feet and a rear setback of 15 feet whereas Town Code requires a 15 foot side setback and a 20 foot rear setback, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Stephen Robson, the property owner appeared before the Zoning Board of Appeals at the public hearing on August 11, 2016.
2. The Robson's are requested a side setback of 10 feet and a rear setback of 15 feet to allow construction of a 20 x 40 foot pool.
3. The property line along the northern edge is irregularly shaped. It is in this region that the proposed pool would be constructed.
4. It is their belief that having a pool on site, in a secluded space, would be of significant benefit to the family.
5. Pat Welch, the neighbor whose property is just off the requested 10 foot setback, is in agreement with the requested zoning variance. A signed statement stating such was submitted to the zoning board.
6. Pat Welch has agreed to sell a small portion of their property to allow for this construction.
7. No members of the general public appeared before the board.

**CONCLUSIONS OF LAW**

1. The requested benefit **cannot** be achieved by other feasible means. The shape and size of the lot, combined with existing structures, deny the applicant other options.
2. The request will **not** have an undesirable change in the neighborhood. Multiple pools already exist in the neighborhood.
3. The request **is** substantial.
4. The request will **not** have any adverse physical or environmental effects.
5. The difficulty **was** self-created.
6. This is a Type II action under SEQR

**CONDITIONS**

1. The pending sale of a small parcel of property along the north border of the Robson property, as shown in the submitted application, must be completed and evidence of recording in Monroe County submitted to the Code Enforcement Officer prior to the construction of the swimming pool.

**MOTION**

Mr. Bassette moved, seconded by Ms. Palmer to approve the variance with conditions as read.

**ADOPTED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Palmer – aye; and Mr. Lacey – aye.

**GENERAL DISCUSSION**

Mr. Peckham stated that new determinations will be split amongst each planning board member in the future.

**MOTION**

Mr. Bassette moved, seconded by Mr. Lacey, to adjourn the meeting at 7:29 p.m.

**ADOPTED**

Ms. Palmer – aye; Mr. Peckham – aye; Mr. Bassette – aye; Mr. Lacey - aye.