A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 13, 2016, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

Liz Sciortino

Daniel Bassette

Clayton Lacey

ATTORNEY: Jeffrey Clark

OTHERS: John Hagreen, Eric Geoca

Minutes were taken by Bonnie Toomey.

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

**LUGO AREA VARIANCE PUBLIC HEARING**

Jarrod and Erin Lugo, 37 Old Stable Way, Honeoye Falls, NY, consisting of 2 acres, bearing Tax Account No. 215.04-1-30.1, located in an RA-1 zone, requesting an area variance to construct a driveway with a setback from the property line of 0.8 feet whereas Town Code requires a 10 foot setback from the property line.

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

Mr. Peckham asked the Board if they were all familiar with the property and application. The Members stated they were.

Mr. Lugo stated that the original plan for the septic was unacceptable because of running into clay after digging the third trench. A representative from Monroe County came out to the property and determined it was workable after testing soil to the West of the original location; therefore the driveway had to be moved to the West.

Ms. Sciortino asked how far to the East did they dig.

Mr. Geoca stated at least 40-50 feet; every 15 feet did not perc.

Mr. Lacey asked if Lugo’s explored contacting adjacent property owner to buy additional land to the East.

Mr. Lugo said he did not.

Mr. Bassette asked if the driveway was stone and if they planned to asphalt it.

Mr. Lugo stated yes to both questions.

Mr. Peckham asked if the benefit could be achieved by any other means. Mr. Lugo stated no.

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

Mr. Peckham asked if this request was substantial. Mr. Lugo stated yes.

Mr. Peckham asked if there were any adverse physical or environmental effects. Mr. Lugo stated no.

Mr. Peckham asked if this was a self-created difficulty. Mr. Lugo stated no.

There were no further questions from the Board.

**MOTION**

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

**ADOPTED**

Mr. Peckham – aye; Ms. Sciortino – aye; Mr. Bassette – aye; Mr. Lacey – aye.

Mr. Peckham advised the Lugos to call the office in the morning for the decision.

**MINUTES**

Approval of minutes was postponed for the next meeting.

There was discussion on a draft determination.

**LUGO AREA VARIANCE DETERMININATION**

Mr. Bassette moved, seconded by Ms. Sciortino, that the area variance requested by Jarrod Lugo, 37 Old Stable Way, Honeoye Falls, NY, consisting of 2 acres, bearing Tax Account No. 215.04-1-30.1, located in an RA-1 zone, requesting an area variance to construct a driveway with a setback from the property line of 0.8 feet whereas Town Code requires a 10 foot setback from the property line, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Jarrod and Erin Lugo, the property owners, and Eric Geoca, of Geoca Homes, appeared before the Zoning Board of Appeals at the public hearing on October 13, 2016
2. This lot is part of a larger housing development, on the edge between phase 1 and phase 2.
3. The discovery of subterranean clay caused the movement of the leech field. This led to moving the driveway towards the property line.
4. The applicant is requesting a driveway setback of 0.8 feet.
5. The driveway was already constructed, prior to requesting a variance.
6. No members of the general public appeared before the board.

**CONCLUSIONS OF LAW**

1. The requested benefit can**not** be achieved by other feasible means. Going around the other side of the house is not practical, and the future neighbors are currently nonexistent, preventing a common driveway.
2. The request will **not** have an undesirable change in the neighborhood, as the neighborhood is still being developed.
3. The request **is** substantial. It is a 92% decrease in the required setback.
4. The request will **not** have any adverse physical or environmental effects.
5. The difficulty was **not** self-created, as the composition of the ground is beyond the applicants control.
6. This is a Type II action under SEQR

**MOTION**

Mr. Bassette moved, seconded by Ms. Sciortino, to approve the Lugo Area Variance Determination.

**ADOPTED**

Mr. Peckham – aye; Ms. Sciortino – aye; Mr. Bassette – aye; Mr. Lacey – aye.

**GENERAL DISCUSSION**

Mr. Peckham noted that there has been a resignation from the Zoning Board and he has not heard of any replacement from the Town Supervisor at this time.

**MOTION**

Ms. Sciortino moved, seconded by Mr. Lacey, to adjourn the meeting at 7:22 p.m.

**ADOPTED**

Mr. Peckham – aye; Ms. Sciortino – aye; Mr. Bassette – aye; Mr. Lacey – aye.