A Regular Meeting of the Zoning Board of Appeals was held on Thursday, October 26, 2017, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Bruce Peckham

Daniel Bassette

Liz Sciortino

Clayton Lacey

David Cook

ATTORNEY: Jeff Clark

OTHERS: Councilperson Mike Roberts, 2 others

Minutes were taken by Michelle Booth.

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

**WAGNER AREA VARIANCE PUBLIC HEARING**

John Wagner, 136 Mendon Ionia Road, Honeoye Falls, NY, consisting of 9.51 acres, bearing Tax Account No. 216.04-1-8.31, located in an RA-1 zone, requesting an area variance to construct a 75’ by 108’ barn, which square footage, when added to the existing 1,152 square foot accessory structure, exceeds the allowed accessory structure square footage by 5,109 square feet.

Mr. Peckham opened the Public hearing.

Mr. Peckham waived the reading of the public notice. The signed affidavit of posting was not in the file, but the Board members agreed it was clearly posted.

Mr. Wagner presented the proposed plan along with photos.

Mr. Peckham asked where the building would be located. Mr. Wagner indicated on the instrument survey where it will be located.

Mr. Lacey asked if the parcel next door was a separate parcel or all one. Mr. Wagner stated it is all one parcel.

Mr. Peckham asked if there was a planned driveway to the road from the building. Mr. Wagner says no.

Mr. Bassette asked about foliage or trees as a buffer. Mr. Wagner said that he had decided against it. He does not want to interrupt anymore of the farmed land.

Ms. Sciortino asked how long Mr. Wagner has owned his property. He stated about 11 years.

Mr. Cook asked how many cars he owns. Mr. Wagner says 17.

Mr. Peckham asked if there would be electricity or water to the building. Mr. Wagner confirmed this and assured that it will have no impact on his septic and all drainage would remain on his property.

Mr. Clark asked if he will be working on the cars in the building. Mr. Wagner says not really, just maybe the occasional tire change. Everything else is done by someone else in another location.

Mr. Peckham asked if he would have mechanical tools with oud noises. Mr. Wagner denied this.

Ms. Sciortino asked if the cars will just be stored and what he does with them. Mr. Wagner says he just enjoys them and taking them out for a ride here and there.

Mr. Peckham opened the meeting to the public for comments.

Matthew and Donna Otto, 404 Taylor Rd, asked why the building would be so high and asked if they would hear the revving of cars all the time.

Mr. Wagner stated that the building would be about 19 ft., a standard height for that type of building. He also stated that they would not make any other noise than a zero-turn lawn mower.

Mr. Peckham asked if the request will have an undesirable change to the neighborhood. Mr. Wagner stated no.

Mr. Peckham asked if the request could be achieved by any other means. Mr. Wagner stated yes.

Mr. Peckham asked if the request is substantial. Mr. Wagner stated yes.

Mr. Peckham asked if the request would have any adverse physical or environmental effects. Mr. Wagner stated no.

Mr. Peckham asked if the request was self-created. Mr. Wagner stated yes.

**MOTION**

Ms. Sciortino moved, seconded by Mr. Lacey, to close the Public Hearing.

**APPROVED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Lacey – aye; and Mr. Cook - aye.

**SYMONS USE VARIANCE PUBLIC HEARING**

Julie and Ken Symons, 67 Lanning Road, Honeoye Falls, NY, consisting of 15.54 acres, bearing Tax Account No. 223.02-1-29, located in an RA-1 zone, requesting a Use Variance to operate a personal dog training and running business, part-time, in a proposed 60’ x 80’ Morton Building Pole Barn, which is not an allowed use in this zone.

Mrs. Symons explained the proposed application. She explained that they have decided to move the building to the back due to flooding.

Ms. Sciortino asked if this would interfere with the septic. Mrs. Symons stated no.

Mr. Lacey asked if any of the training would be outside. Mrs. Symons stated that it would be inside primarily.

Mrs. Symons stated that the building would be decorated nicely and have some foliage to make it aesthetically appeasing.

Mrs. Symons explained that she trains K-9 dogs for drug searches and obedience. She does not do agility. She will not do any boarding of the dogs.

Mrs. Symons stated that there would be about six dogs at a time, maximum.

Mr. Peckham explained that this application is for the business aspect of the building’s use. It would be indirectly covered under a special use. The building itself would be a planning board issue if needed.

Mr. Peckham asked if the intent is to help dogs live and cope better in their environment. Mrs. Symons stated yes.

Mr. Peckham explained that there are four tests for a use variance. They need to provide proof of financial hardship, show if the change will be substantial or not, explain why the hardship is unique to them, and explain if the hardship was self-created.

There was a discussion about this. Mr. and Mrs. Symons stated that rental places are too expensive. The hardship is unique to the situation because the property has flooding and there is no other place to put the building. They believe that the hardship is not self-created.

Mr. Peckham stated that the hardship is not really considered self-created because the code does not state is allowed or it is not allowed.

Mr. Peckham asked Mr. and Mrs. Symons to provide 3 scenarios of what they have previously tried to do and why this would be the best option for them.

Mr. Cook asked if the building would be winterized. Mrs. Symons stated yes.

Mr. Cook asked what the cost of the entire project will be. Mr. Symons stated that they do not have a completed grand total yet.

Mr. Cook asked how long the classes are. Mrs. Symons stated that each class is 4-6 weeks long with each class being 1 – 1 ½ hours long.

Mr. Cook asked what the full capacity is. Mrs. Symons stated 6 dogs.

Mr. Cook asked if the business plan is based on full capacity. Mrs. Symons stated no.

Ms. Sciortino stated that a friend trains blind puppies and wanted to know if they are trained by running the leash along the back of the dog. Mrs. Symons says she uses treats and rewards systems for training.

Mr. Cook asked where their closest competition is located. Mrs. Symons stated it is in Walworth.

Mr. Peckham stated that they would extend the public hearing to get the financial information.

Mr. Peckham asked Mr. Clark if the Zoning Board would be stepping on Town Board toes by approving a use variance that is not mentioned in the code. Mr. Clark denied this being an issue.

There were no more questions or comments from the Board.

**MOTION**

Mr. Lacey moved, seconded by Ms. Sciortino, to extend the public hearing to November 9, 2017.

**APPROVED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Lacey – aye; and Mr. Cook - aye.

**MINUTES**

**MOTION**

Ms. Sciortino moved, seconded by Mr. Bassette, to approve the minutes of the October 12, 2017 meeting as submitted.

**APPROVED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Lacey – aye; and Mr. Cook - aye.

**WAGNER AREA VARIANCE DETERMINATION**

Mr. Peckham moved, seconded by Mr. Lacey, that the area variance requested by John and Mary Wagner, 136 Mendon Ionia Road, Honeoye Falls, NY, consisting of 9.51 acres, bearing Tax Account No. 216.04-1-8.31, located in an RA-1 zone, requesting an area variance to construct a 75’ by 108’ barn, which square footage, when added to the existing 1,152 square foot accessory structure, exceeds the allowed accessory structure square footage by 5,109 square feet, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. John Wagner, the property owner appeared before the Zoning Board of Appeals at the public hearing on October 26, 2017

2. The applicant is requesting to build an additional structure (barn), which would bring the total lot coverage to approximately 2.3% of total lot area.  Section 200-8.C.(3) of the Town Code states the total area of accessory buildings in an RA-1 shall not exceed 1% of the lot area.

3. The applicant stated the intended use of the proposed structure is to store his collection of cars.

4. The applicant stated arborvitae are established along the property boundaries.

5. A number of nearby properties have either similarly sized accessory structures, or a number of smaller structures whose total size is similar.

6. The housing of the collection will not involve substantial continuous mechanical activity.  Mr. Wagner stated major work is done off site by a qualified mechanic.

7. Mathew and Donna Otto, 404 Taylor Rd, commented during the public hearing.

**CONCLUSIONS OF LAW**

1. The requested benefit cannot be achieved by other feasible means, as the quantity of vehicles is too great.

2. The request is substantial, as it is a 130% increase over the allowed amount.

3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will not have any adverse physical or environmental effects.

4. The request will not have an undesirable change in the neighborhood, as there are many other accessory structures on nearby properties.

5. The difficulty was self-created, as the applicant could continue to store his cars elsewhere.

6. This is a Type II action under SEQR

**CONDITIONS**

1. The accessory structure will be located as indicated on the map provided, namely to the south west of the existing house.

**MOTION**

Ms. Sciortino moved, second by Ms. Mr. Lacey, to adjourn the meeting.

**APPROVED**

Mr. Peckham – aye; Mr. Bassette – aye; Ms. Sciortino – aye; Mr. Lacey – aye; and Mr. Cook - aye.