

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, May 26, 2022 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette  
Stephen Maxon  
Dustin Cichon  
Christian Mahood

ABSENT: Stephen Tudhope

ATTORNEY: David Hou

OTHERS: None

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 7:01 pm.

**CAWLEY AREA VARIANCE - HORSES PUBLIC HEARING**

An area variance application by Joshua Cawley, 829 Pittsford Mendon Center Road, Honeoye Falls, NY, consisting of 2.28 acres, for a variance for an existing 12-stall horse barn to house up to 6 horses, whereas code requires the keeping of hooved animals shall require a minimum lot size of three acres, and therefore requires an area variance. Zoned RA2 with Tax account no. 204.02-1-5.

Mr. Bassette waived the reading of the public notice; it was published in the Sentinel.

Mr. Bassette welcomed the applicant to the table.

Mr. Bassette asked if the applicant was requesting twelve or six horses. Mr. Cawley said he originally requested twelve, but he wanted to be reasonable, and Mr. Cichon said six the first night.

Mr. Bassette asked Mr. Hou if the Board can request anything below the applicant's request. Mr. Hou said the Board can hear and approve less than the twelve horses.

Mr. Bassette said the big issue had been the manure, but Mr. Cawley has a manure management plan.

Mr. Cawley said the property is residential and he would like whomever rents it to be able to have five, six, seven horses as pets. He asked the Board to consider his manure management plan and asked if the Board had any questions.

Mr. Cichon apologized to Mr. Cawley for referring to horse manure as horse apples. He said it is not the Board's job to crush dreams, and he is sorry to have touched a nerve. Mr. Cawley said he appreciated it.

Mr. Cawley said he had no plans to run a business, as it will be a private residence.

Mr. Mahood asked if he will rent or will be it be the applicant's residence. Mr. Cawley said it will either be rent or rent to own.

Mr. Bassette informed the applicant if he wants to run a business, he will need a special use permit from the Planning Board. Mr. Cawley understood.

Mr. Bassette asked the applicant if he had any plan for a tenant. Mr. Cawley said he has one interested party from the Equicenter and this person has five horses. If the Board allowed six horses, he could potentially have someone with only two or three horses.

Mr. Cichon gave a copy of the email he received from the Farm Director at Lollypop Farm. The email explained the requirements for supplementing hay for the grass on a certain lot size as well as horses being social animals, and they do better with more than one.

The Board discussed the email and Mr. Cawley explained how he will supplement the feed for the horses. Mr. Cawley said supplementing feed is normal and he has seen people with horses without even an acre of land, including Lollypop.

Mr. Bassette asked the Board if there were any questions. The Board had none.

### **PUBLIC COMMENT**

None

Mr. Bassette waived the formal asking of the Five Questions as they have been answered.

### **MINUTES**

Mr. Maxon moved, second by Mr. Cichon to approve the minutes from May 12, 2022, as submitted.

### **APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

Mr. Bassette asked the Board if they are ready to act on the horses. Do they have thoughts on one, three, five?

Mr. Cichon asked if there was a way to have the applicant approved for two horses, and if he has success with two, the Board could revise it. Mr. Bassette explained the variance goes with the land, and it is there forever.

Mr. Mahood asked if a special use permit is for any type of use. Mr. Bassette explained it would be for the applicant's business.

Mr. Cichon said there was a case seven or eight years ago where it was conditioned the applicant fence his entire property. He said with Mr. Cawley's property, there are two and one quarter

acres, but with the house and barn, it is two acres for pasturing. He is comfortable the land can support three horses.

Mr. Cawley told Mr. Cichon it seems as if he has done his homework and he values that.

Mr. Mahood said he feels more comfortable with three horses instead of six. Mr. Maxon said he is comfortable with six horses.

After polling the Board, it was three members for three horses, and one member for six horses. Mr. Bassette asked if there would be consensus on four horses. Members felt that four would be permissible if the applicant fenced his entire yard.

Mr. Cawley asked to speak. He said fencing the yard would not look right aesthetically and would prefer allowing three horses without fencing the entire yard.

The Board reviewed the Cawley Area Variance – Horses determination with allowing three horses.

### **CAWLEY AREA VARIANCE DETERMINATION**

Mr. Cichon moved, seconded by Mr. Mahood, that the area variance requested by Joshua Cawley, 829 Pittsford Mendon Center Road, Honeoye Falls, NY, consisting of 2.28 acres, with Tax account no. 204.02-1-5, zoned RA2, for a variance for an existing 12-stall horse barn to house up to 12 horses, whereas code requires the keeping of hooved animals shall require a minimum lot size of three acres, and therefore requires an area variance, be **approved** based on the following:

WHEREAS, Joshua Cawley, the property owner appeared before the Zoning Board of Appeals at the public hearing on May 26, 2022, for the rehearing of the application originally presented on February 24, 2022; and

WHEREAS, The applicant is requesting to house up to 6 horses on the existing 2.28 acre lot, while Section 260-8N.(1)(a) of the Mendon Zoning Code states 6 acres is needed for 6 horses; and

WHEREAS, The land does not currently house horses, but it has in years past; and

WHEREAS, The applicant submitted a "Manure Management Plan for 829 Pittsford Mendon Center Road", dated May 16, 2022, covering how he plans to manage manure for the requested 6 horses; and

WHEREAS, An 11 acre parcel directly across the street is also owned by Joshua Cawley. This parcel is currently configured as horse pastures, and the intent is to continue that usage; and

WHEREAS, Section 260-51 of the Mendon Zoning Code requires a Special Use Permit to run a stable or riding academy. Special Use Permits are handled by the Planning Boards, and Joshua Cawley has been informed of such; and

WHEREAS, Mendon Ponds Park is connected to the rear of the property; and

WHEREAS, Mr. Cawley intends to use the property for residential, not commercial purposes;

and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated February 24, 2022; and

WHEREAS, After review, the Zoning Board of Appeals has weighed the facts and determined no more than 3 permanent horses is appropriate; and

WHEREAS, after review, the Zoning Board of Appeals has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

1. The requested benefit **cannot** be achieved by other feasible means, as the lots size is too small.
2. The request **is** substantial as additional acreage on adjoining properties does not mitigate the issues.
3. The request will **not** have any adverse physical or environmental effects, as the applicant has a manure management plan.
4. The request will **not** have an undesirable change in the neighborhood, as horses have been previously housed on this site.
5. The difficulty **was** self-created, as it is the desire for horses driving this request.
6. This is a Type II action under SEQRA

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** to the extent that the applicant is permitted no more than 3 permanent horses on the property for the reasons stated above.

**MOTION**

Mr. Maxon moved, second by Mr. Mahood, to close the public hearing at 7:41 pm.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

**MOTION**

Mr. Cichon moved, second by Mr. Mahood to approve the Cawley Area Variance – Horses.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.

**MOTION**

Mr. Cichon moved, second by Mr. Maxon to adjourn the meeting at 7:43 PM.

**APPROVED**

Mr. Bassette – aye; Mr. Maxon – aye; Mr. Mahood – aye; and Mr. Cichon – aye.