A Regular Meeting of the Zoning Board of Appeals was held on Thursday, February 23, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette

 Stephen Maxon

 Dustin Cichon

 Christian Mahood

Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Tom DuBois, Town Councilperson

Minutes were taken by Katrina Allen.

Mr. Bassette opened the meeting at 7:00 pm.

**MINUTES**

Mr. Maxon moved, seconded by Mr. Tudhope to approve the minutes from October 13, 2022 meeting, as amended.

**APPROVED**

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

**SMITH AREA VARIANCE**

An area variance application by Zack Smith, 349 Monroe Street, Honeoye Falls, consisting of 2 acres, to erect a 44-foot by 40-foot pole barn with lean-to on an existing Quonset hut concrete pad with a side setback of approximately 0.2 feet, whereas code requires a 15-foot side setback, and therefore requires an area variance. Zoned RS-30. Tax account no. 221.03-2-22.

Mr. Bassette opened the public hearing at 7:02 pm.

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

Mr. Bassette asked if the members of the Board were familiar with the property. They all were.

Mr. Smith explained there is an existing concrete pad for the Quonset hut, and he wants to use that for his pole barn. It will be held in the same line, and will be about 2’ from the side setback. He has a little wiggle room.

Mr. Bassette asked if Mr. Smith is expanding on the concrete pad, and Mr. Smith said on the pad to the east, there are two lean-tos, and the one lean-to is 42-44 feet.

Mr. Bassette asked if it was there when the applicant bought the property, and Mr. Smith said yes. He bought the property in 2020. It was listed as 1955 on the existing survey, but it may have been there before.

Mr. Bassette said it predates zoning.

Mr. Bassette said on the map, there is another shed. Is it the intent to remove it? Mr. Smith said yes, but it will not be right away. He will have it done by next year.

Mr. Bassette said Mr. Smith listed on the applicant it is a .2-foot setback, but he stated tonight it could be 3 feet.

The room to build was discussed.

Mr. Tudhope asked if there was a field next door. Mr. Smith said yes, and it is all overgrown.

The history of the owner of the field was discussed.

Mr. Cichon said the locust trees back there are very old.

Mr. Tudhope asked if anyone lives there, and Mr. Smith said no.

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

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

**PUBLIC COMMENT**

None

**MOTION**

Mr. Tudhope moved, seconded by Mr. Mahood, to close the public hearing at 7:07 pm.

**APPROVED**

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

Mr. Hou said the Monroe County Planning and Development’s report said there are wetlands back on the property, and the applicant should be mindful of this when building.

Mr. Cichon said the pole barn will be set back from the road.

Mr. Maxon said it will make the neighborhood look better.

**MOTION**

Mr. Tudhope moved, seconded by Mr. Mahood, to close the public hearing at 7:07 pm.

**APPROVED**

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

The Board discussed the Smith Area Variance determination.

**MOTION**

Mr. Tudhope moved, seconded by Mr. Cichon to approve the Smith Area Variance

**APPROVED**

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

**SMITH AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Cichon, that the area variance requested by Zack Smith, 349 Monroe Street, Honeoye Falls, consisting of 2 acres, with to Tax account no. 221.03-2-22, Zoned RS-30, erect a 44-foot by 40-foot pole barn with lean-to on an existing Quonset hut concrete pad with a side setback of approximately 0.2 feet, whereas code requires a 15-foot side setback and as proposed, the 2% lot coverage for accessory buildings is exceeded, and therefore requires an area variance, be **approved** based on the following:

WHEREAS, Zack Smith, the property owner appeared before the Zoning Board of Appeals at the public hearing on February 23, 2023; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RS-30 District has a side setback of 15 feet. The applicant is requesting a side setback of approximately 0.2 feet; and

WHEREAS, There is an existing Quonset hut (garage), with carport next to it, on the site. The applicant states this was the situation when the property was purchased, and believes this hut has been there for at least 55 years; and

WHEREAS, The existing Quonset hut has an effective side setback of zero (0) feet. As this structure has begun to deteriorate, the applicant intends to replace it; and

WHEREAS, The new structure will be a pole barn, reusing as much of the old structures footprint as practical; and

WHEREAS, The applicant acknowledges the possibly of working with ~3 foot setback. He claims more would be difficult as construction would start encroaching on the septic system; and

WHEREAS, There is an existing storage shed on the property which the applicant plans to demolish, once the new garage is finished and able to be used for storage space; 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 17, 2023; 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 can**not** be achieved by other feasible means, as existing land use prevent relocating.
2. The request **is** substantial, as it is a significant reduction of the required setback.
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, as it is replacing an existing structure.
4. The request will **not** have an undesirable change in the neighborhood, as there has been a similar structure in this location for a number of years.
5. The difficulty was **not** self-created, as a previous owner of the property built the existing structure in this location.
6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above.

**MOTION**

Mr. Maxon moved, seconded by Mr. Mr. Mahood to adjourn at 7:16 pm.

**APPROVED**

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