

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, September 28, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette
Stephen Tudhope
Christian Mahood
Steve Maxon

ABSENT: Dustin Cichon

ATTORNEY: David Hou

OTHERS: Town Councilperson, Tom Dubois

Minutes were taken by Katrina Allen.

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

MINUTES

Mr. Maxon moved, seconded by Mr. Mahood to approve the minutes of the August 24, 2023 Zoning Board of Appeals meeting.

APPROVED

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

DONALDSON, JR AREA VARIANCE PUBLIC HEARING

An area variance application by Scott Donaldson, Jr, 140 East Street, Honeoye Falls, for property located at 50 Lanning Road to build a pond for fire suppression encompassing two properties, one being the applicant's father's property, where all ponds, except storm water facilities, shall not be established closer than 50 feet from a property line or road right-of-way, and therefore, requires an area variance. Zoned RA-5. Tax account no. 223.01-1-33.

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

Mr. Donaldson, Sr. stated he subdivided his lot into two, and he and his son each own a lot. His son is moving along with the building of his house. Their engineer had changed the final site plan to two ponds, and that is not what they wanted. They want one pond between their two lots, and it will have a dry hydrant for fire suppression.

Mr. Maxon said it is more useful with one pond.

Mr. Bassette asked if the total volume is the same with one as it is with two ponds. Mr. Donaldson, Sr. said yes.

Mr. Bassette opened the Public Hearing at 7:04 pm.

John Shipe, a Mendon Fire District Commissioner, said he looked at the Donaldson’s plan, and he likes the one pond better for fire suppression. Mr. Shipe recommends having one dry hydrant on the Lanning Road side as getting the ladder truck in would be facilitated easier.

Mr. Shipe said they will talk to the Town Highway Superintendent, as it is on a Town road. He said one pond with one dry hydrant makes sense firematically, as it can be used for the community and will cost less for the Donaldsons as well.

A discussion about the well followed.

Mr. Donaldson agreed to one dry hydrant.

MOTION

Mr. Tudhope moved, seconded by Mr. Maxon to close the Public Hearing at 7:09 pm.

APPROVED

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

Mr. Bassette waived the asking of formal five questions as they had been answered.

The Board discussed the determination.

MOTION

Mr. Tudhope moved, seconded by Mr. Mahood to approve the determination.

APPROVED

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

DONALDSON AREA VARIANCE DETERMINATION

Mr. Tudhope moved, seconded by Mr. Mahood that the area variance requested by Scott Donaldson, Jr, 140 East Street, Honeoye Falls, for property located at 50 Lanning Road, with tax account no. 223.01-1-33, Zoned RA-5, to build a combined pond for fire suppression encompassing two properties, one being the applicant’s property and the other being the adjacent lot owned by the applicant's father, where the zoning code requires that all ponds, except storm water facilities, shall not be established closer than 50 feet from a property line or road right-of-way, be **approved** based on the following:

WHEREAS, Scott Donaldson, Sr, the property owner appeared before the Zoning Board of Appeals at the public hearing on September 28, 2023; and

WHEREAS, Scott W Donaldson Sr, father of the applicant and owner of the adjacent impacted property, provided a letter, dated 9/12/23, joining in this requested variance; and

WHEREAS, This application seeks a variance that would cover two adjacent properties, and since the material facts and issues impacting the requested variance are in common for both properties, this determination shall constitute a joint determination relating to the variance as it applies to each affected property; and

WHEREAS, Section 260-8.Q. of the Mendon Zoning Code states no ponds shall be established closer than 50 feet from any property line. The applicant is requesting to place a pond across the property line; and

WHEREAS, The applicant has an approved site plan, dated July 20, 2022, which divided the two properties, with two ponds, one on each lot. This request is for one combined pond, with approximately half on each side of the property line, and the total size being approximately the same as the combined two ponds would have been; and

WHEREAS, The purpose of this pond is to provide water for the usage of emergency fire protection services, and it is believed that merging them leads to improved function in this role; and

WHEREAS, The Town Code Enforcement Officer provided a letter, dated 9/12/23, offering background and his opinion that one centrally location pond is better than two smaller ponds; and

WHEREAS, Members of the public were given the opportunity to comment during the public hearing; and

WHEREAS, This application is exempt from County Planning Board review under General Municipal Law 239-m pursuant to an agreement dated January 24, 1994 between the County and the Town which exempts matters set forth therein from further County review; 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 a centrally located pond is more efficient
2. The request **is** substantial, as it reduces the setback to zero.
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 the alternative of two ponds would be roughly equivalent from an environmental standpoint.
4. The request will **not** have an undesirable change in the neighborhood, and is in fact beneficial as it will better fulfill its fire protection function.
5. The difficulty **was** self-created, as it is the applicants desired construction project driving this request.
6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be **granted** for the reasons stated above, subject to the following condition:

1. Documentation as to the dry hydrant’s location be provided to the satisfaction of the Fire Marshall.

The foregoing Resolution was offered by Mr. Tudhope and seconded by Mr. Mahood at a meeting of the Zoning Board of Appeals held on Thursday, September 28, 2023.

Following discussion thereon, the following roll call vote was taken and recorded:

Daniel Bassette	Aye
Stephen Maxon	Aye
Christian Mahood	Aye
Stephen Tudhope	Aye

Approved: 4 Ayes, 0 Nays

DANIEL BASSETTE, Chairperson of the Zoning Board of Appeals, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the ZBA duly convened and held on September 28, 2023, a quorum being present.

Daniel Bassette, Chairperson
Zoning Board of Appeals

MICHELLE BOOTH, Town Clerk of the Town of Mendon, hereby certifies that the foregoing Resolution was duly filed in her office on _____, 2023.

Michelle Booth, Town Clerk
Town of Mendon

GENERAL DISCUSSION

The Board discussed upcoming meetings.

MOTION

Mr. Tudhope moved, seconded by Mr. Mr. Mahood to adjourn the meeting at 7:21 pm.

APPROVED

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