

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, December 14, 2023 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Christian Mahood  
Stephen Tudhope  
Dustin Cichon

ABSENT: Steve Maxon

ATTORNEY: David Hou

OTHERS: Town Councilperson, Tom DuBois

Minutes were taken by Katrina Allen.

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

**MINUTES**

**MOTION**

Mr. Tudhope moved, seconded by Mr. Cichon to approve the minutes of the November 9, 2023 Zoning Board of Appeals meeting, as submitted.

**APPROVED**

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

**SCHELL AREA VARIANCE PUBLIC HEARING**

An area variance application by Brian Schell, 466 Parrish Road, Honeoye Falls, consisting of 5 acres, for carport, with a side setback of approximately 8 feet, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-1. Tax account no. 231.01-1-1.3.

**MOTION**

Mr. Cichon moved, seconded by Mr. Tudhope to open the Public Hearing at 7:02

**APPROVED**

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

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

Mr. Mahood asked if everyone was familiar with the property. Everyone said yes.

Mr. Mahood welcomed Mr. Schell to the table.

Mr. Schell said his retirement present to himself was a new fishing boat. He wants to store it on his property and needs access to it all the time. Originally, he thought about a barn or shed, but because of the zoning, he decided on a carport since it is cheaper. Harold Joint had stopped by and said he needed a building permit. When he came in to get a building permit, the Code Enforcement Officer (CEO), Corey Gates, advised him he needs a variance.

Mr. Schell showed the Board the blow-up of his site. He said the only spot graded by his house is against his current garage. On the west is the septic and leach field. Since his house is in a gully, and then it falls, so a carport is much cheaper.

Mr. Cichon asked the applicant when he moved to the house and if he has spoken with his neighbors. Mr. Schell said he moved 27 years ago, but he never met his neighbors.

Mr. Schell said he wants to place it next to the house, and there will be no poured foundation. Mr. Schell gave a description of the carport. He will have concrete slabs with gravel underneath.

Mr. Schell said the carport will be next to his garage with five feet to walk through. He gave the location and his confusion of the lots.

Mr. Cichon asked if his is electing a permanent structure rather than a temporary one for the winter. He said it could be weighted down.

Mr. Cichon said the overall concern is the appearance and the aesthetics of the carport.

The cost of the carport and alternatives was discussed. Mr. Mahood advised the Zoning Board of Appeals is to consider the variance and not the cost of the construction.

Mr. Schell said there is a shed on the property line, and his neighbor asked him to do something with it. He said he will probably take it down.

Mr. Mahood asked if there were any questions.

### **PUBLIC COMMENT**

Richard Gagnier, 478 Parrish Road, said he lives next door to Mr. Schell, and he has nothing against him. He and his wife consider this carport to be visual deterrent, and it reminds him of *Sanford and Son*. It is obtrusive, and if Mr. Schell built a permanent structure that coordinated with the home, and not as unsightly, he would be fine with the variance, if he is willing to have a permanent structure that complements the house.

Mr. Cichon said the variance is for the setback not because of the carport.

Mr. Tudhope asked if it was a permanent structure, where would it be? Mr. Cichon said it could not go on the east side.

Mr. Tudhope said the applicant might need to spend more money. Mr. Mahood said the cost is not the Board's concern with the variance.

Mr. Mahood asked the Board if there were any other comments or questions. The Board had none.

Mr. Mahood stated given the fact there is a concern, he asked if the Board wanted to table the application until another meeting. The Board agreed to table the application and keep the Public Hearing open.

**MOTION**

Mr. Mahood moved, seconded by Mr. Cichon to table the hearing until next month.

**APPROVED**

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

**McCABE AREA VARIANCE PUBLIC HEARING**

An area variance application by Beth McCabe, 3897 Rush Mendon Road, Mendon, NY, consisting of .6 acres, for a two-unit dwelling, whereas code requires the minimum lot area shall be 5 acres for apartment houses/multiple dwellings and therefore requires an area variance. Zoned RS-30. Tax account no. 216.11-1-6.

Jason Carnicelli, 9020 Route 5 and 20, Bloomfield, NY approached the Board on behalf of the applicant. Mr. Carnicelli said Ms. McCabe is his girlfriend, and she is currently out of the state. The Zoning Board of Appeals secretary received a letter from Ms. McCabe giving Mr. Carnicelli permission to speak on her behalf.

Mr. Mahood asked the Board members if everyone has seen the property. They all answered in the affirmative.

Mr. Carnicelli said Ms. McCabe is looking for a variance for her seven-bedroom house. She wants to have a front and rear unit. The rear would be a three-bedroom, two and one-half baths with a separate entrance.

Mr. Cichon asked if the back half is just on the first floor. Mr. Carnicelli said yes.

The applicant's home is just outside of the Business District and knows she needs a Special Use Permit for a two-family home.

**MOTION**

Mr. Cichon moved, seconded by Mr. Tudhope to open the Public Hearing at 7:22.

**APPROVED**

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

Mr. Carnicelli said there is off-street parking, and there is sizable parking and egress.

Mr. Mahood confirmed the rental will be long-term. It is. Ms. McCabe will occupy the front unit.

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

Mr. Mahood recommended tabling the application until the applicant can be present. The Board agreed.

**MOTION**

Mr. Mahood moved, seconded by Mr. Cichon to table the hearing until next month.

**APPROVED**

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

**GENERAL DISCUSSION**

The Board will wait for approval from the Town Board of the 2024 meeting schedule.

**MOTION**

Mr. Tudhope moved, seconded by Mr. Cichon to adjourn the meeting at 7:25 pm.

**APPROVED**

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

For full meeting information, please visit the Town of Mendon's YouTube page:

<https://townofmendon.org/community/youtube/>