

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, March 14, 2024 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Christian Mahood- Chair
Stephen Tudhope
Dustin Cichon
Tom Voorhees
Ted Trybus

ATTORNEY: David Hou

OTHERS: Town Councilperson, Kim Roberts

Minutes were taken by Katrina Allen.

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

MINUTES

MOTION

Mr. Cichon moved, seconded by Mr. Tudhope to approve the minutes of the January 11, 2024 Zoning Board of Appeals meeting, as submitted.

APPROVED

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

COSTELLO AREA VARIANCE PUBLIC HEARING

An area variance application by David and Kathleen Costello, 20 Old Stable Way, Honeoye Falls, NY, consisting of 2.38 acres, for a detached garage, with a side setback of 11 feet, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-1. Tax account no. 215.04-1-47.1.

MOTION

Mr. Cichon moved, seconded by Mr. Tudhope to reopen the Public Hearing at 7:01

APPROVED

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

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

Mr. Costello addressed the Board. He gave the description of the purposed building and location. He said if it were to be where a variance is not necessary, it would be too close to the garage. If he is not approved for the variance, he will not put up the building.

Mr. Costello said he spoke with his neighbors, and they are ok with it. He described the berm between their properties. He said the building will match his house.

Mr. Voorhees asked if the color and roofing material will match the house. Mr. Costello said it will as best he can.

Mr. Trybus asked if there were any utility easements in between the lots. Mr. Costello showed his map to the Board.

Mr. Tudhope asked if there was a well or septic. Mr. Costello said it is public water and septic.

A discussion followed about the berm. Mr. Trybus asked about the drainage and the slope of the berm.

Mr. Costello said the building will have a wood floor and no vehicles or mower will be parked in it. It is just for storage of lawn furniture, and he will have some shelving.

Mr. Cichon asked if there will be electric for the lights. Mr. Costello said he would like a garage door opener and will talk to a contractor. It will not have heat and will not be finished.

Mr. Mahood stated for context, the applicant's neighbor bought a double lot, and their house is in the middle of the lot. It is a significant distance.

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

PUBLIC COMMENT

None

MOTION

Mr. Cichon moved, seconded by Mr. Trybus to close the Public Hearing at 7:14 pm.

APPROVED

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

Mr. Mahood reviewed the draft determination and the five questions.

MOTION

Mr. Trybus moved, seconded by Mr. Voorhees to approve the Costello Area Variance

APPROVED

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

COSTELLO AREA VARIANCE DETERMINATION

Ted Trybus moved, seconded by Tom Voorhees, that the area variance requested by David and Kathleen Costello, 20 Old Stable Way, for property located at 20 Old Stable Way, with tax account no. 215.04-1-47.1, Zoned RA-1, to build a storage garage which would result in a side setback of 11 feet from the eastern property line, where a 20 foot side setback is required, be **GRANTED** based on the following:

WHEREAS, the above property owners appeared before the Zoning Board of Appeals at the public hearing on March 14, 2024; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states side setbacks in RA-1 zoned districts shall be no less than 20 feet from the property line, and the applicant is seeking a variance of 9 feet which would result in a side setback of 11 feet from the property line; and

WHEREAS, the ZBA received correspondence from neighbors in support of the application and members of the public were given the opportunity to comment 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 application was returned as a local matter with comments;

NOW, THEREFORE, BE IT RESOLVED that this application constitutes a Type II action under SEQRA and no further environmental review is required;

AND BE IT FURTHER RESOLVED, that 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 hereby **GRANTS** the application based on the following findings of fact:

1. The requested benefit **CAN** be achieved by other feasible means, because it could be moved back or laterally to be in compliance with the code.
2. The request **IS** substantial, because it is about a 45% variance from the code requirement.
3. The request **WILL NOT** have an undesirable change in the neighborhood, because it is in keeping with the aesthetic of the home, is consistent with size of similar structures in the neighborhood. and is setback from the road a considerable distance, and brings value to the property, and to accomplish the same amount of storage space would require multiple smaller sized buildings which would be aesthetically unpleasing.
4. The requested variance **WILL NOT** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, because drainage will not be impacted and the berm is already constructed to block views to the neighbor.
5. The difficulty **WAS** self-created, because it is the applicant's desire to construct the storage garage which is creating this request for the variance.

AND BE IT FURTHER RESOLVED, that this approval is conditioned upon the following conditions (if any):

That the siding and roof matches as closely as reasonably possible to the principal house. An asphalt roof is required.

The foregoing Resolution was offered by Ted Trybus and seconded by Tom Voorhees at a meeting of the Zoning Board of Appeals held on March 14, 2024. Following discussion thereon, the following roll call vote was taken and recorded:

Dustin Cichon	Aye
Christian Mahood	Aye
Stephen Tudhope	Aye
Thomas Voorhees	Aye
Ted Trybus	Aye

Approved: 5 Ayes, 0 Nay

Christian Mahood, 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 March 14, 2024, a quorum being present.

Christian Mahood, 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 _____, 2024.

Michelle Booth, Town Clerk

Town of Mendon

GENERAL DISCUSSION

The Board discussed upcoming meetings.

MOTION

Mr. Trybus moved, seconded by Mr. Voorhees to adjourn the meeting at 7:28 pm.

APPROVED

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

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

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