

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

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

ABSENT:

ATTORNEY: David Hou

OTHERS: Town Councilperson, Kimberly Roberts
Keystone Decks – Nate Esh
Mauro & Karen Polidori
Meaghan & Kevin Bolger
Bryan & Sarah Moravec

Minutes were taken by Brooke Buckland.

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

MINUTES

MOTION

Mr. Tudhope moved, seconded by Mr. Voorhees, to approve the minutes of the July 25, 2024 Zoning Board of Appeals meeting, as submitted.

APPROVED

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

BOLGER AREA VARIANCE

An area variance application by Kevin and Meaghan Bolger, 5 Governors Circle, Mendon, NY, consisting of .55 acres, requesting 2’ of relief to build a porch and attached deck, with a side setback of 18’9”, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned PUD. Tax account no. 216.07-2-034.

MOTION

Mr. Tudhope moved, seconded by Mr. Cichon to open the Public Hearing.

APPROVED

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

Mr. Mahood asked the Board if they had all reviewed the application. Every member had.

Mr. Esh and the Bolgers were welcomed to the table to explain their application and reasoning for requesting an Area Variance.

Farthest north Corner of the porch will be closest to abutting neighbors.

Mr. Cichon asks the applicant if they have spoken to any of their neighbors in regards to the variance.

Mr. Esh confirms all neighbors have been notified and the Board was provided letters of approval from those neighbors.

The Board discussed the application.

PUBLIC COMMENT

None

MOTION

Mr. Trybus moved, seconded by Mr. Cichon, to close the Public Hearing.

APPROVED

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

MORAVEC AREA VARIANCE

An area variance application by Bryan & Sarah Moravec, 2 Carolina Drive, Pittsford, NY 14534 for property located at 49 Old Stable Way, Mendon, NY, consisting of 6.89 acres, requesting 8’5” of relief to construct a Single-Family Dwelling, with an overall height of 43’5”, whereas code requires a 35’ and therefore requires an area variance. Zoned RA-1. Tax account no. 215.04-1-56.

MOTION

Mr. Tudhope moved, seconded by Mr. Trybus to open the Public Hearing.

APPROVED

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

Mr. Mahood asked the Board if they had all reviewed the application. Every member had.

The Moravec’s were welcomed to the table to explain their application and reasoning for requesting an Area Variance.

Mr. Moravec approached the Board.

Due to the slope and grade of the parcel, applicants determined a walkout basement would best fit the lot. Therefore, average height came into effect & a variance was discussed.

Moravec brings it to the Boards attention that their current home at 2 Carolina Drive and 70 Old Stable Way both exceed the maximum height of 35’ and were granted Area Variances.

The proposed Site Plan still fits within the original footprint.

Mr. Cichon informs the Applicants that per code, the Fire Marshall will want to see an egress window installed on the 3rd floor for fire safety precaution.

MOTION

Mr. Tudhope moved, seconded by Mr. Trybus to close the Public Hearing.

APPROVED

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

GENERAL DISCUSSION

Mr. Mahood reviewed the draft determination for Bolger Area Variance Application and the five questions.

MOTION

Mr. Tudhope moved, seconded by Mr. Vorhees to approve the Bolger Area Variance

APPROVED

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

BOLGER AREA VARIANCE DETERMINATION

Stephen Tudhope moved, seconded by Thomas Voorhees, that the Area Variance requested by Keystone Custom Decks/Nate Esh, for property owned by Kevin and Meaghan Bolger, located at 5 Governors Circle, Mendon, New York 14506, tax ID no. 216.07-2-034, to build a porch off the back of the residential structure, a portion of which will be partially (less than 2’) within the twenty-foot (20’) side setback, be **GRANTED** based on the following:

WHEREAS, the above property owner appeared before the Zoning Board of Appeals at the public hearing on the application on November 14, 2024; and

WHEREAS, the Town of Mendon Zoning Code Section 260-106 provides that a side yard setback in residential districts shall be at least 20’; and

WHEREAS, a portion of the proposed porch will be about 18' 9"-19' from the side yard property line, less than the required setback; and

WHEREAS, this application was sent to the Zoning Board of Appeals' attorney and the Town Code Enforcement Officer for review; and

WHEREAS, this application was sent to the Monroe County Planning Board for review pursuant to General Municipal Law 239-m, and the application was returned as a local matter; and

WHEREAS, the Zoning Board of Appeals held a public hearing and the public was given the opportunity to comment on the application and there were letters of support from neighbors;

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 against the health, safety, and welfare of the neighborhood and community, and hereby **GRANTS** the application based on the following findings:

1. The requested benefit **CAN** be achieved by other feasible means because the porch could be offset and relocated to satisfy the code but creates an aesthetic issue because the property line is at an angle.
2. The request **IS NOT** substantial because only a portion of the porch will be less than 2' into the setback.
3. The request **WILL NOT** have an undesirable change in the neighborhood because the applicant is attempting to achieve a congruent aesthetic and other homes have similar features; the porch is hidden from public view.
4. The request **WILL NOT** have an adverse effect on the physical and/or environmental conditions of the neighborhood or district because there is no change to drainage.
5. The difficulty **IS** self-created because it is the applicant's desire to construct a porch that intrudes into the setback.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

None

Following discussion on this Resolution, the following roll call vote was taken and recorded:

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

Thomas Voorhees Aye

Approved: 5 Ayes, 0 Nays

Christian Mahood, Chairperson of the Zoning Board of Appeals, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Zoning Board of Appeals duly convened and held on November 14, 2024, a quorum being present.

Christian Mahood, Chairperson
Town of Mendon 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

Mr. Mahood reviewed the draft determination for Moravec Area Variance Application and the five questions.

MOTION

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

APPROVED

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

MORAVEC AREA VARIANCE DETERMINATION

Stephen Tudhope moved, seconded by Dustin Cichon, that the Area Variance requested by Bryan Moravec, for his property located at 49 Old Stable Way, Mendon, New York 14472, tax ID no. 215.04-1-56, zoned RA-1, to construct a house with a height in excess of thirty-five feet (35'), be **GRANTED** based on the following:

WHEREAS, the above property owner appeared before the Zoning Board of Appeals at the public hearing on the application on November 14, 2024; and

WHEREAS, the Town of Mendon Zoning Code Section 260-106 provides that no building in the RA-1 zoning district shall be higher than 35'; and

WHEREAS, the proposed house from the front has a maximum height of 39' 1", and from the back has a maximum height of 48' 1", for an average build height of 43' 6"; and

WHEREAS, this application was sent to the Zoning Board of Appeals' attorney and the Town Code Enforcement Officer for review; and

WHEREAS, this application was sent to the Monroe County Planning Board for review pursuant to General Municipal Law 239-m, and the application was returned as a local matter with comments; and

WHEREAS, the Zoning Board of Appeals held a public hearing and the public was given the opportunity to comment on the application and no comments were made;

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 against the health, safety, and welfare of the neighborhood and community, and hereby **GRANTS** the application based on the following findings:

1. The requested benefit **CAN** be achieved by other feasible means because the house could be constructed in compliance with the code with a lower height but would require a redesign of the house.
2. The request **IS** substantial because the request is seeking an average of 8.5 feet higher than the code requires.
3. The request **WILL NOT** have an undesirable change in the neighborhood because other homes in the neighborhood have higher roofs and the property is setback from the cul de sac.
4. The request **WILL NOT** have an adverse effect on the physical and/or environmental conditions of the neighborhood or district because the variance will not impact wetlands or drainage.

- 5. The difficulty **IS** self-created because it is the applicant’s desire to construct a home above the maximum height permitted under the code in an RA-1 district.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

None.

Following discussion on this Resolution, the following roll call vote was taken and recorded:

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

Approved: 5 Ayes, 0 Nays

Christian Mahood, Chairperson of the Zoning Board of Appeals, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Zoning Board of Appeals duly convened and held on November 14, 2024, a quorum being present.

Christian Mahood, Chairperson

Town of Mendon 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

MOTION

Mr. Tudhope moved, seconded by Mr. Vorhees, to adjourn the meeting at 7:30 pm.

APPROVED

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

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

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