

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, April 8, 2021 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette
Dustin Cichon
Stephen Tudhope
Stephen Maxon
David Cook

ATTORNEY: David Hou

OTHERS: Town Councilman John Hagreen

Minutes were taken by Michelle Booth.

Mr. Bassette opened the meeting at 7:01pm.

CLARKE AREA VARIANCE PUBLIC HEARING

Charles Clarke, 242 Mendon Center Rd. Honeoye Falls, NY, consisting of 1.05 acres, for a third accessory structure, whereas code requires no more than two accessory buildings located on a parcel less than 2 acres and therefore requires an area variance. Zoned RA-1. Tax account no. 215.01-1-44.

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

Mr. Bassette asked there was any way to use an already existing structure, instead of building a new structure, to get the same results. Mr. and Mrs. Clarke stated no, the other structures are sheds and storage buildings. This is a gazebo to give some relief from the elements while having family over. They have a very large family.

Mr. Maxon asked how the neighbors feel about this. Mr. Clarke said they don't care.

Mr. Cichon asked about the detached garage. Mr. Clarke stated the garage is actually attached now.

Mr. Cook asked if this is on the south side of the road. Mr. Clarke confirmed.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

PUBLIC COMMENT

There was no public comment.

Mr. Hou asked if there will be electric. Mr. Clarke denied any electricity.

Mr. Maxon confirmed there are no walls on this structure. Mr. Clarke agreed, it is a gazebo.

MOTION

Mr. Cook moved, second by Mr. Maxon, to close the Public Hearing.

APPROVED

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

EBY AREA VARIANCE PUBLIC HEARING

Ken Snyder, Russell Builders and Mike Eby, 67 Boughton Hill Rd. Honeoye Falls, NY, consisting of 5.36 acres, for a barn cupola that is approx. 38.5ft high, whereas code requires no more than 35 ft in height and therefore requires an area variance. Zoned RA-5. Tax account no. 229.01-1-4.

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

Mr. Snyder summarized the project. The barn is several hundred feet from the road, behind the pool.

Mr. Bassette asked what the building will be used for. Mr. Eby stated storage and pool side recreation. There will be electric, but no water run to the structure.

Mr. Bassette asked if they could change the roof line of the structure to meet code. Mr. Eby stated it was designed specifically with the cupola being the key element and was made to fit in with the surroundings. He stated the home is historical and it will aesthetically fit.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated no.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

PUBLIC COMMENT

There was no public comment.

MOTION

Mr. Tudhope moved, second by Mr. Cichon, to close the Public Hearing.

APPROVED

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

STOTT AREA VARIANCE PUBLIC HEARING

Hilary Stott, 1369 Pittsford Mendon Road, Honeoye Falls, consisting of 1.6 acres, for an event that requires 50 acres, and therefore requires an area variance. Zoned Business. Tax account no. 216.02-1-26.

Ms. Stott explained her need for this variance. She discussed the effects COVID has had on small business and their need to think outside the box. She stated she would only like to have three events this year. She believes anymore than that would be too much. Ms. Stott stated the hours would be from Noon to 11:00pm.

Mr. Bassette asked how much time is between each event. Ms. Stott stated about a month.

There was discussion about the length of time the variance should be valid. Ms. Stott stated she would like to make this long-term. She believes times have changed, due to the pandemic, and she’s trying to adapt to her surroundings.

Mr. Bassette asked if there would be any change in character in the neighborhood. The applicant stated no.

Mr. Bassette asked if there were alternative methods to achieve what they desire. The applicant stated no.

Mr. Bassette asked if this was a significant request. The applicant stated yes.

Mr. Bassette asked if this would have any physical or environmental effects in the neighborhood. The applicant stated no.

Mr. Bassette asked if this was a self-created difficulty. The applicant stated no.

Mr. Cichon asked why they shouldn’t try to use another property like the 20 Deep Winery area. Ms. Stott would like to stay in the business district, the other property is too residential.

Mr. Tudhope asked what permitting the Mendon Fireman’s Carnival gets. The Board does not recall ever been asked for a variance, but it was probably approved many years ago.

Mr. Hagreen asked how many people she thinks will attend. Ms. Stott thinks approx. 500 people will attend throughout the whole day, but only 200 at a time.

MINUTES

MOTION

Mr. Maxon moved, second by Mr. Cichon, to approve the minutes from April 8, 2021 as amended.

APPROVED

Mr. Bassette – aye; Mr. Cichon– aye; Mr. Tudhope – aye; and Mr. Maxon – aye; and Mr. Cook - aye.

CLARKE AREA VARIANCE DETERMINATION

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by Charles Clarke, 242

Mendon Center Rd. Honeoye Falls, NY, consisting of 1.05 acres, bearing Tax Account No. 215.01-1-44., located in an RA-1 zone, for a third accessory structure, whereas code requires no more than two accessory buildings located on a parcel less than 2 acres and therefore requires an area variance, be approved based on the following:

WHEREAS, Charles Clarke and Colleen McGuinness-Clarke, the property owners appeared before the Zoning Board of Appeals at the public hearing on April 22, 2021; and

WHEREAS, Two accessory structures are on the property at this time. One is a utility shed and the other a pottery studio; and

WHEREAS, The applicant would like to build a gazebo, which would be the third accessory structure on the property. Section 260-8.C.(1) of the Mendon Zoning Code states no more than two accessory buildings may be located on any parcel containing less than two acres of land in a residential district; and

WHEREAS, There is an existing patio, measuring 14 by 14 feet, at the location of the proposed gazebo. The applicant intends to integrate this into the gazebo's structure; and

WHEREAS, No members of the public commented 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 any would not be cost effective.
2. The request **is** substantial, as it is 50% over the allowed limit.
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 scale is too small.
4. The request will **not** have an undesirable change in the neighborhood, as it will improve the aesthetics of the area.
5. The difficulty **was** self-created, as the applicants desire to use the space is the driving cause.
6. This is a Type II action under SEQR

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

APPROVED

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

EBY AREA VARIANCE DETERMINATION

Mr. Cook moved, seconded by Mr. Cichon, that the area variance requested by Mike & Carrie Eby, 67 Boughton Hill Rd. Honeoye Falls, NY, consisting of 5.36 acres, bearing Tax Account No. 229.01-1-4., located in an RA-5 zone, for a barn cupola that is approx. 38.5ft high, whereas code requires no more than 35 ft in height and therefore requires an area variance, be approved based on the following:

WHEREAS, Mike Eby, the property owner appeared before the Zoning Board of Appeals at the public hearing on April 22, 2021; and

WHEREAS, The applicant is requesting to build an accessory building, which includes a cupola, with a maximum height of approximately 38 feet 4 inches. Section 260-8. C. (6) of the Mendon Zoning Code states no accessory building in a residential district shall exceed 35 feet in height; and

WHEREAS, The applicant intends to location the barn ~400 feet from the road, adjacent to an existing pool and ~70 feet behind an existing detached garage; and

WHEREAS, Due to terrain features, the first floor will open onto the pool, while the basement will open onto the back yard. The intended usage of the barn is storage and entertainment; and

WHEREAS, The applicant stated the cupolas height is to maintain proportion and overall architectural appearance; and

WHEREAS, No members of the public commented 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 the cupola provides aesthetic and practical value.
2. The request is **not** substantial, as it is for ~3 feet of roof.
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 cupola is minor in comparison to the already allowed structure.
4. The request will **not** have an undesirable change in the neighborhood, as it is similar to other structures in the area.
5. The difficulty **was** self-created, as it is the applicants design as drawn.
6. This is a Type II action under SEQR

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

APPROVED

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

STOTT AREA VARIANCE DETERMINATION

Mr. Tudhope moved, seconded by Mr. Cook, that the area variance requested by Hilary Stott, 1369 Pittsford Mendon Road, Honeoye Falls, consisting of 1.6 acres, bearing Tax Account No. 216.02-1-26, located in Business zone, for an event that requires 50 acres, and therefore requires an area variance, be approved based on the following:

WHEREAS, Hilary Stott, the business owner appeared before the Zoning Board of Appeals at the public hearing on April 22, 2021; and

WHEREAS, David P. Stott, the property owner, submitted a letter in favor of this request; and

WHEREAS, The applicant is requesting to have a for-profit event on a 1.6 acre site. Section 260-50.A. of the Mendon Zoning Code states for-profit events shall take place on a site not less than 50 acres; and

WHEREAS, The events intended purpose is to draw people together for music, where various vendors will also be available; and

WHEREAS, The applicant is looking for up to three events per year. The exact dates requiring approval from the Town of Mendon Planning Board; and

WHEREAS, The area is predominantly zoned for business, and there are few residents in close proximity that could be disturbed by the event; and

WHEREAS, The Town received a number of letters from residents and business owners supporting this request. Some of which pointed to covid-19 as causing a lack of events for the past year, and the benefit to the community of having this event; and

WHEREAS, No members of the public commented 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 there are no 50 acre lots nearby.
2. The request **is** substantial, as it removes ~96.8% of the requirement.
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, due to its temporary nature.
4. The request will **not** have an undesirable change in the neighborhood, as demonstrated by the numerous supporters.
5. The difficulty **was** self-created, as it is an attempt to increase business income.
6. This is a Type II action under SEQR

NOW, THEREFORE, BE IT RESOLVED that the application be approved for the reasons stated above, subject to the following conditions:

1. This variance still requires the business owner to obtain all other necessary approvals from the Planning Board and other involved agencies, as covered in Section 260-50 "Special for-profit entertainment uses and events" of the Mendon Zoning Code.

APPROVED

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

There was some discussion about possibly changing the code in regards to cupolas. The Board has seen several applications recently.

MOTION

Mr. Maxon moved, second by Mr. Cichon, to adjourn the meeting at 7:19 pm.

APPROVED

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