

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

ABSENT: David Cook

ATTORNEY: David Hou

OTHERS: None

Minutes were taken by Michelle Booth.

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

**GOLDFARB AREA VARIANCE PUBLIC HEARING**

Eleanor and David Goldfarb, 881 Boughton Hill Rd. Victor, NY, consisting of 14.35 acres, for a 6ft.fence in the front of the home, whereas code requires a 4ft. or less and therefore requires an area variance. Zoned RA-1. Tax account no. 224.03-1-1.

Mr. Bassette acknowledged the affidavit of posting in the file and waived the reading of the public notice.

The applicants explained the need for the variance. They have a flag lot and would like more privacy. There is an existing tree line and they would like to add to that. The fence would be made of cedar to match the home and be a total of 220 foot long.

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

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Cichon moved, second by Mr. Maxon, to approve the minutes from September 10, 2020 as submitted.

**APPROVED**

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

**GOLDFARB AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by Eleanor Goldfarb, 881 Boughton Hill Rd. Victor, NY, consisting of 14.35 acres, bearing Tax Account No. 224.03-1-1, located in an RA-1 zone, for a 6ft.fence in the front of the home, whereas code requires a 4ft. or less, be approved based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Eleanor and David Goldfarb, the property owner appeared before the Zoning Board of Appeals at the public hearing on April 8, 2021.
2. The applicant is requesting to build a fence in part of their front yard that will have a height of 6 feet. Section 260-74A of the Mendon Zoning Code states no fence in a front yard shall be higher than 4 feet.
3. 881 Boughton Hill is a flag lot. The relevant property line connects the applicants’ front yard and the neighbors back yard. Existing code would allow the neighbor to build a 6 feet tall fence along their side of the property line.
4. There is an existing tree line along the property border. The applicant intends to place the fence within this tree line. The applicant expects the total length to be approximately 220 feet.
5. The applicants’ claim the fence is needed to provide additional screening between her property and the neighbors. She wants to minimize disruptive noise from the neighbors’ activities.
6. No members of the public commented during the public hearing.
7. 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.

**CONCLUSIONS OF LAW**

1. The requested benefit **cannot** be achieved by other feasible means, as replacing trees is not cost effective.
2. The request is **not** substantial, as existing code would allow the neighbor to take this action.
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 of activity is so small.

4. The request will **not** have an undesirable change in the neighborhood, as the location on the flag lot will effectively obscure it from the neighborhood at large.
5. The difficulty was **not** self-created, as the intent is to minimize noise coming from outside the property.

This is a Type II action under SEQR

**APPROVED**

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

**MOTION**

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

**APPROVED**

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