

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, May 13, 2021 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette  
Stephen Tudhope  
Stephen Maxon  
David Cook

ABSENT: Dustin Cichon

ATTORNEY: David Hou

OTHERS: Town Councilman Tom Dubois

Minutes were taken by Michelle Booth.

Mr. Bassette opened the meeting at 7:02pm.

**HELLES AREA VARIANCE PUBLIC HEARING**

Michael Helles, 994 West Bloomfield Rd., Honeoye Falls, consisting of 1 acre, for a 6' x 14' chicken coop, with a rear setback of approximately 20 feet, whereas code requires a 50-foot setback for any structure housing 14 or fewer chickens and therefore requires an area variance. Zoned RA-1. Tax account no. 216.01-1-88.

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

Mr. Helles explained his need for the area variance. He stated there is a swale through the property which makes placement of the coop difficult. He will have up to six chickens, no roosters.

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 yes.

**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. Tudhope – aye; and Mr. Maxon – aye; and Mr. Cook – aye.

**STEFANOU AREA VARIANCE PUBLIC HEARING**

Dimitri Stefanou, 6 Country Meadows Dr, Honeoye Falls, consisting of approx. 2.66 acres, for a home and garage addition at said property, with a side setback of approximately 10 feet, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-1. Tax account no. 216.01-1-46.1.

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

Mr. Stefanou summarized the project. He is on a private drive and will only affect the neighbor to the north. He will add a garage for storage and the other addition is for an indoor pool. The topography of the parcel makes this the best option for the new additions. There will be no trees cut down.

The Board reviewed a letter from Mr. Alt, the neighbor to the North. Mr. Alt is requesting a fence for more privacy. He has offered to share the cost with Mr. Stefanou. Mr. Stefanou agreed to this.

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 yes.

**PUBLIC COMMENT**

There was no public comment.

**MOTION**

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

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Tudhope moved, second by Mr. Maxon, to approve the minutes from April 22, 2021 as submitted.

**APPROVED**

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

**HELLES AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by Michael Helles, 994 West Bloomfield Rd., Honeoye Falls, consisting of 1 acre, bearing Tax account no. 216.01-1-88, located in a RA-1 zone, for a 6' x 14' chicken coop, with a rear setback of approximately 20 feet, whereas code requires a 50-foot setback for any structure housing 14 or fewer chickens, be approved based on the following:

WHEREAS, Michael Helles, the property owner appeared before the Zoning Board of Appeals at the public hearing on May 13, 2021; and

WHEREAS, Section 260-8.N.(2)(c) of the Mendon Zoning Code says any structure housing 14 or fewer of said creatures shall be located no closer than 50 feet to any property line. The applicant is requesting to house their chickens ~20 feet from the rear property line; and

WHEREAS, the chicken coop would be 6 feet by 14 feet. The requested location places it further from existing housing. There is currently a forest across the rear property line; and

WHEREAS, David Ogden owns the property along the applicant's rear property line. Mr. Ogden has submitted a letter, dated April 7 2021, in support of this variance; and

WHEREAS, the southeast portion of the lot contains a flood zone; 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.
2. The request **is** substantial, as it is a reduction of 60%.
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 location is inconsequential to the environment.
4. The request will **not** have an undesirable change in the neighborhood, as this location places the structure further from existing residences.
5. The difficulty **was** self-created, as the applicants desire to have chickens is the cause.
6. This is a Type II action under SEQR

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

**STEFANOU AREA VARIANCE DETERMINATION**

Mr. Cook moved, seconded by Mr. Maxon that the area variance requested by Dimitri Stefanou, 6 Country Meadows Dr, Honeoye Falls, consisting of approx. 2.66 acres, bearing Tax account no. 216.01-1-46.1, located in a RA-1 zone, for a home and garage addition at said property, with a side setback of approximately 10 feet, whereas code requires a 20-foot side setback, be approved based on the following:

WHEREAS, Dimitri Stefanou, the property owner appeared before the Zoning Board of Appeals at the public hearing on May 13, 2021; and

WHEREAS, the applicant is planning an addition to their house such that it has a side setback of 10 feet. Section 260-106 of the Mendon Zoning Code states RA-1 districts have a side setback of 20 feet; and

WHEREAS, the applicant states the slope of the land makes the proposed location the only place where construction is practical; and

WHEREAS, having looked at alternative options, the applicant believes this plan is the least intrusive method; and

WHEREAS, Richard Alt, of 8 Country Meadows Drive, submitted a letter tentatively in favor of this variance; 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 terrain precludes construction elsewhere.
2. The request **is** substantial, as it reduces the requirement by half.
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 construction is too small.
4. The request will **not** have an undesirable change in the neighborhood, as there remains sufficient open space in the area.
5. The difficulty **was** self-created, as it is caused by the applicants desired expansion.
6. This is a Type II action under SEQ

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

**APPROVED**

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

**MOTION**

Mr. Tudhope moved, second by Mr. Maxon, to adjourn the meeting at 7:22 pm.

**APPROVED**

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