

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, June 10, 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  
Dustin Cichon

ATTORNEY: David Hou

OTHERS: Town Councilman John Haggren, Greg Walker, and Mr. and Mrs. Zenoski

Minutes were taken by Michelle Booth.

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

**ZENOSKI AREA VARIANCE PUBLIC HEARING**

Tim Zenoski, 22 Chillington Lane, Mendon, consisting of .87 acres, for a 12 x 20 storage shed at said property, with a side setback of approximately 5 feet, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-1. Tax account no. 217.01-1-14.

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

Mr. Zenoski explained his need for the area variance. He stated the tennis courts on the property make it difficult for placement. He described the shed; it will be Amish built and then delivered. He said it will be standard height, about 8 feet.

Mr. Zenoski stated he spoke with the neighbors and they were fine with the variance.

Mr. Maxon asked why he couldn't place the shed further from property line. Mr. Zenoski said the tennis courts are there.

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. Cichon, to close the Public Hearing @ 7:05pm.

**APPROVED**

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

**WALKER AREA VARIANCE PUBLIC HEARING**

Greg Walker, 246 Sibley Rd, Honeoye Falls, consisting of 1.17 acres, for a 24 x 32 ft pole barn at said property, with a side setback of approximately 5 feet, whereas code requires a 15-foot side setback and therefore requires an area variance. Zoned RS-30. Tax account no. 221.04-1-26.1.

Mr. Bassette waived the reading of the public notice; it was published in the Sentinel. Everyone said they were familiar with the property.

Mr. Walker summarized the need for a variance. The trees on the property and the septic hinder placement of the barn.

Mr. Cook asked if the pine trees are the property line. Mr. Walker stated they are inside the line.

Mr. Hou asked how far the building would be from the road. Mr. Walker estimated 65 feet.

Mr. Bassette asked if the older sheds would be removed. Mr. Walker agreed.

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. Maxon, to close the Public Hearing @ 7:17pm.

**APPROVED**

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

**MINUTES**

**MOTION**

Mr. Tudhope moved, second by Mr. Cichon, to approve the minutes from May 13, 2021 as submitted.

**APPROVED**

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

**ZENOSKI AREA VARIANCE DETERMINATION**

Mr. Tudhope moved, seconded by Mr. Cook, that the area variance requested by Tim Zenoski, 22 Chillington Lane, Mendon, consisting of .87 acres, bearing Tax Account No.217.01-1-14., located in an RA-1 zone, for a 12 x 20 storage shed at said property, with a side setback of approximately 5 feet, whereas code requires a 20-foot side setback, be approved based on the following:

WHEREAS, Tim Zenoski, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 10, 2021; and

WHEREAS, the applicant is requesting a side setback of approximately 5 feet, for the purpose of constructing a storage shed. Section 260-106 of the Mendon Zoning Code states the RA-1 has a side setback of 20 feet; and

WHEREAS, this property is a corner lot, and as such the effective rear lot line is also the side lot line; and

WHEREAS, the intended usage of the shed is for storage and as a potting shed. There is an existing accessory structure, which the applicant intends to remove once the new shed is built; and

WHEREAS, the desired benefit is, in part, to visually obscure the neighbor's trailer. There is an existing fence on the neighbor's property, but the applicant does not feel this provides sufficient screening; and

WHEREAS, the applicant is planning to place gardens between the shed and their residence. Fitting them in is part of why the setback request is what it is; 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 **can** be achieved by other feasible means, such as alternate screening and relocating the shed.
2. The request **is** substantial, as it is ~75% reduction of the existing 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, as the location on the property has no bearing on the impact to the environment.
4. The request will **not** have an undesirable change in the neighborhood, as it helps mitigate an existing issue.
5. The difficulty **was** self-created, as it is the applicants desire to locate the structure that is driving this variance.

6. This is a Type II action under SEQR

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; Mr. Cichon; and Mr. Cook – aye.

**WALKER AREA VARIANCE DETERMINATION**

Mr. Cook moved, seconded by Mr. Maxon, that the area variance requested by Greg Walker, 246 Sibley Rd, Honeoye Falls, consisting of 1.17 acres, bearing Tax Account No.221.04-1-26.1., located in an RS-30 zone, for a 24 x 32 ft pole barn at said property, with a side setback of approximately 5 feet, whereas code requires a 15-foot side setback, be approved based on the following:

WHEREAS, Greg Walker, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 10, 2021; and

WHEREAS, the applicant is requesting a side setback of approximately 5 feet, for the purpose of constructing a pole barn. Section 260-106 of the Mendon Zoning Code states the RS-30 has a side setback of 15 feet; and

WHEREAS, there is an existing accessory structure, which the applicant intends to remove once the new barn is built. As this intent has been stated, the Code Enforcement Officer has not evaluated if having both structures would exceed the allowable lot coverage; and

WHEREAS, the proposed location would place a significant portion of the barn in front of the residence. The precise location of the structure fall outside the scope of this variance, and would be under the purview of the Planning Board as a Site Plan; and

WHEREAS, the neighboring property directly across the relevant lot line is the thin portion of a flag lot, and there is an existing hedge row between the properties; and

WHEREAS, the existing septic system and trees limit construction locations; 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 **can** be achieved by other feasible means, such as locating the barn elsewhere on the property.
2. The request **is** substantial, as it is ~66% reduction of the existing 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, as the location on the property has no bearing on the impact to the environment.
4. The request will **not** have an undesirable change in the neighborhood, as the neighboring property is used for agricultural purposes and adequately screened by existing foliage.

5. The difficulty **was** self-created, as it is the applicants desire to locate the structure that is driving this variance.
6. This is a Type II action under SEQR

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; Mr. Cichon; and Mr. Cook – aye.

**GENERAL DISCUSSION**

There was a brief discussion about meetings and the process used by the Board.

There is no agenda for a meeting on June 24, 2021.

**MOTION**

Mr. Maxon moved, second by Mr. Cichon, to adjourn the meeting at 7:29 pm.

**APPROVED**

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