

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, December 9, 2021 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 p.m.

PRESENT: Daniel Bassette
Stephen Maxon
Dustin Cichon
David Cook

ATTORNEY: David Hou

ABSENT: Stephen Tudhope

OTHERS: William Cranker, of L2 Carpentry & Construction Management Corp

Minutes were taken by Katrina Allen.

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

SILVAROLE AREA VARIANCE PUBLIC HEARING

An area variance application by William Silvarole, 240 Cheese Factory Road, Honeoye Falls, consisting of 5.3 acres for construction of a 50x80' pole barn with a side porch the entire 80' length of the building, with a depth of 12'. The front porch will be 24' wide and 8' deep. The approximate height is 26'8". The proposed accessory structure exceeds two percent of the lot coverage, whereas code requires the total area of accessory structure not exceed two percent of the lot coverage, therefore requires an area variance. Zoned RA-1. Tax account no. 222.3-1-9.3.

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

Mr. Bassette asked the Board if they were all familiar with the property. They all replied in the affirmative.

Construction manager, Bill Cranker, appeared on behalf of the applicant, William Silvarole.

Mr. Bassette asked Mr. Cranker for a summary of the area variance request. Mr. Cranker stated the excessive square footage is from the proposed porch. The applicant has a trucking business, 105 Silvarole Drive and wants the barn to store smaller trucks, tractor, lawn mower, etc., and it will be a very nice structure.

Mr. Bassette verified the dimensions of the barn as 50'x80' in the back; 80' on the West side with a 12' wide overhang porch; 24' wide x 8' overhang. Mr. Cranker stated that is correct, and it will have a first-floor height, approximately 10'.

Mr. Bassette asked the reason for the porch and overhang. Mr. Cranker said it is for looks and to be able to sit outside or to leave vehicles out.

Mr. Bassette inquired to the applicant appearing at the March 3, 2021 Planning Board Meeting. Mr. Cranker replied it was to build a house, and it is built.

Mr. Cook asked since the size exceeds by only .02%, why do they not reduce the size? Mr. Cranker replied for the applicant's show trailer, which is the size of a semi, in addition to another truck, they need more room. Mr. Cook stated it is depth that is needed.

The Board discussed measurements of the proposed barn.

Mr. Cranker stated he knows his customer and Mr. Silvarole is specific, and he wants the depth and knowing his customer, the depth is measured to what Mr. Silvarole needs.

Mr. Bassette asked the Board if they had any other questions, and the Board did not.

Mr. Bassette stated he will waive formally asking the five questions as they have been adequately answered.

PUBLIC COMMENT

There was no public comment.

MOTION

Mr. Maxon moved, second by Mr. Cook, to close the public hearing @ 7:08 pm.

APPROVED

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

MINUTES

MOTION

Mr. Maxon moved, second by Mr. Cichon to approve the minutes from September 23, 2021 as submitted.

APPROVED

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

SILVAROLE AREA VARIANCE DETERMINATION

Mr. Cook moved, seconded by Mr. Cichon, that the area variance requested by William Silvarole, 240 Cheese Factory Road, Honeoye Falls, consisting of 5.3 acres, bearing Tax account no. 222.3-1-9.3, located in an RA-1 zone, for construction of a 50x80' pole barn with a side porch the entire 80' length of the building, with a depth of 12', the front porch will be 24' wide and 8' deep, the approximate height is 26'8", the proposed accessory structure exceeds two percent of the lot coverage and will require a variance, whereas code requires the total area of accessory structure not exceed two percent of the lot coverage, be approved based on the following:

WHEREAS, William Cranker, of L2 Carpentry & Construction Management Corp, representing William Silvarole, the property owner, appeared before the Zoning Board of Appeals at the public hearing on December 9th 2021; and

WHEREAS, Section 260-8C(3) of the Town Code states the total area of all accessory buildings shall not exceed 2% of the lot area. The lot size is approximately 5.3 acres, or 230868 square feet. 2% of that, the allowed area for accessory buildings, is 4617 square feet.; and

p50x80, covering 4000 square feet. The barn would have porches on two sides with dimensions of 80x12 and 24x8, covering an additional 1152 square feet. The total coverage is 5152 square feet, or 2.23% lot

coverage; and

WHEREAS, The applicant appeared before the Planning Board at their March 3, 2021 meeting, where he received Site Plan approval. While the dimensions of the barn in the approved Site Plan and those of this request before the Zoning Board are different, no portion of this variance changes the location of the structure on the site plan; and

WHEREAS, Similarly sized barns exist on nearby properties; and

WHEREAS, The dimensions are driven by the size of hobby vehicles; and

WHEREAS, The porch is there for aesthetic reasons; and

WHEREAS, No members of the public commented during the public hearing; and

WHEREAS, This application was submitted to the County Planning Board review under General Municipal Law 239-m, who returned comments dated December 7th 2021; 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 **not** substantial, as it is an increase in coverage of ~0.23%.
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 any additional impact is minuscule in comparison to the already approved construction.
4. The request will **not** have an undesirable change in the neighborhood, as similarly sized accessory structures already exist on nearby properties.
5. The difficulty **was** self-created, as the applicants desire for the space is driving this request.
6. This is a Type II action under SEQRA

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

MOTION

Mr. Maxon, moved, second by Mr. Cichon to adjourn the meeting at 7:15pm.

APPROVED

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