

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, May 26, 2022 at the Mendon Community Center, 167 North Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Daniel Bassette
Stephen Maxon
Dustin Cichon
Christian Mahood

ABSENT: Stephen Tudhope

ATTORNEY: Robert Marks

OTHERS: None

Minutes were taken by Katrina Allen.

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

WILMOT AREA VARIANCE

An area variance application by Thomas Wilmot Jr., 90 Smith Road, Mendon, for property located on 553 West Bloomfield Road, Pittsford, NY consisting of 62+ acres to build a two-story house with a maximum ridge height of 40' (feet) 8" (inches), whereas code requires a maximum building height of two and half stories or 35' (feet) and therefore requires an area variance. Zoned RA-5. Tax account no. 192.03-1-15.22.

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

Jim Fahy, the Wilmot's architect, appeared and represented the applicant.

Mr. Fahy said the site is on 62 acres on West Bloomfield Road and is part of the family compound. They are asking for relief from the 35-foot maximum, as their ridge will be 40 feet 8 inches.

Mr. Fahy said the Wilmots are building a federal style home and is 2,000 feet from West Bloomfield Road. The property to the south is a Wilmot family member, and Mr. Wilmot is looking to buy the property to the north. As a whole, there is no negative effect.

Mr. Fahy described the property and grounds to the Board.

Mr. Bassette said the rendering shows a basement window. Mr. Fahy said by code, there must be an egress at every window in the basement.

Mr. Bassette said he looked at the maps and contour levels. Mr. Fahy stated it is 650 feet and then 620 feet. It goes down and then up.

Mr. Cichon said the driveway is 1000 feet long. Mr. Fahy said it is a half mile driveway to the house.

The Board and Mr. Fahy discussed similar houses in the Town.

Mr. Maxon said the trees will shelter the ridge.

Mr. Bassette asked if there is any farming. Mr. Fahy said no.

The Board and Mr. Fahy discussed the ceiling height of the home.

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

Mr. Bassette waived the formal asking of the Five Questions, as they had been answered.

PUBLIC COMMENT

None

MOTION

Mr. Maxon moved, second by Mr. Mahood, to close the public hearing at 7:10 pm.

APPROVED

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

POWELL AREA VARIANCE

An area variance application by Robert Powell, 1275 West Bloomfield Road, Honeoye Falls, NY consisting of 9 acres, for a preexisting barn to house dogs for training for veterans and said barn is 70.7 feet to the road right-of-way whereas code requires a 100-foot setback to the road right-of-way for shelters for animals within kennels and therefore requires an area variance. Zoned RA-1. Tax account no. 223.01-1-9.

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 were.

Mr. Powell appeared before the Board and said the barn on his property is 75 feet from the road, but in order to have animals sheltered there, it needs to be 100 feet. He wants to train dogs.

Mr. Bassette asked if the barn was already there, and Mr. Powell said yes.

Mr. Bassette asked how many dogs, and Mr. Powell said no more than 10.

Mr. Bassette asked how long the applicant has owned the property. Mr. Powell said since 2019.

Mr. Bassette asked where the dogs will be. Mr. Powell said they each will have a 10-foot run behind the barn.

Mr. Bassette said out back, behind the barn, it is a good distance to the next property.

Mr. Bassette cited Town Code and said the reason for the 100-foot setback is for smell and sound.

Mr. Powell said he looked at Add-En-On, and there is a three to six month wait, and people are looking to board their dogs.

Mr. Powell said he was in the service for 18 years, and working with dogs is therapy for him. He wants to focus on helping veterans with their dogs and also train dogs to help veterans with PTSD.

Mr. Bassette asked the Board if there were anymore questions. There were none.

Mr. Bassette waived the formal asking of the Five Questions as they had been answered.

PUBLIC COMMENT

None

MOTION

Mr. Cichon moved, second by Mr. Maxon, to close the public hearing at 7:15 pm.

APPROVED

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

MINUTES

Mr. Cichon moved, second by Mr. Maxon to approve the minutes from May 26th meeting, as amended.

MOTION

Mr. Mahood moved, second by Mr. Cichon to approve the Wilmot Area Variance

APPROVED

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

WILMOT AREA VARIANCE DETERMINATION

Mr. Mahood moved, seconded by Mr. Cichon, that the area variance requested by Thomas Wilmot Jr., 90 Smith Road, Mendon, for property located on 553 West Bloomfield Road, Pittsford, NY consisting of 62+ acres, with Tax account no. 192.03-1-15.22, zoned RA-5, to build a two-story house with a maximum ridge height of 40’ (feet) 8” (inches), whereas code requires a maximum building height of two and half stories or 35’ (feet) and therefore requires an area variance, be **approved** based on the following:

WHEREAS, James Fahy, representing Thomas Wilmot Jr, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 23, 2022; and

WHEREAS, The applicant is requesting to build a house with a maximum height of 40' (feet) 8" (inches), while Section 260-106 of the Mendon Zoning Code limits the maximum height to 35' feet; and

WHEREAS, The planned construction site is setback ~2000 feet from the road, it is a similar distance to the rear of the property, as well as to any other existing structures; and

WHEREAS, According to the preliminary map provided by the applicant, elevation at the construction site is ~656 feet. The lowest part of a ridge to the west appears to have an elevation of ~698 feet, ~42 higher than the construction site; and

WHEREAS, The applicant acknowledges that they could comply with the height limitation, but doing so would require lowering interior ceilings and reducing roof pitches, which would not create the country estate setting desired; and

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

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated June 16, 2022; 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 lowering the height would not be compatible with the architecture of the house.
2. The request is **not** substantial, due to having a negligible visual impact.
3. Upon review of Short Environmental Assessment Form (617.20 Appendix B), the board finds the request will **not** have any greater environmental impact than the height already allowed by code.
4. The request will **not** have an undesirable change in the neighborhood, as the setback places the structure adequate distance from existing homes, and is similar to other nearby houses.
5. The difficulty **was** self-created, although the building height is appropriately proportioned to the overall scale of the property and neighborhood.
6. This is a Type II action under SEQR

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

MOTION

Mr. Maxon moved, second by Mr. Cichon to approve the Powell Area Variance

APPROVED

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

POWELL AREA VARIANCE DETERMINATION

Mr. Maxon moved, seconded by Mr. Cichon, that the area variance requested by Robert Powell for a property located at 1275 West Bloomfield Rd Honeoye Falls, NY owned by Robert Powell consisting of 9 acres, with Tax account no. 223.01-1-9 zoned RA-1 for the use of shelters for animals within kennels with a 70' 7" setback, whereas code requires a 100' setback to the street or property line, be **approved** based on the following:

WHEREAS, Robert Powell, the property owner appeared before the Zoning Board of Appeals at the public hearing on June 23, 2022; and

WHEREAS, The applicant intends to use the existing structure to board and train dogs for veterans and the community; and

WHEREAS, Section 260-37E of the Mendon Zoning Code says that shelters for animals within kennels requires a setback of 100 feet from the street or property line; and

WHEREAS, As this is a non-conforming structure, section 260-37E of the Mendon Zoning Code requires approval for an area variance.

WHEREAS, The rest of the requirements in section 260-37 continue to apply; and

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

WHEREAS, This application was sent to the County Planning Board for review under General Municipal Law 239-m and the County returned comments dated June 22, 2022; 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 structure already exists.
2. The request **is** substantial, as it is 30% of the required 100' setback
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 structure already exists.
4. The request will **not** have an undesirable change in the neighborhood, as the remainder of 260-37 mitigates potentially undesirable impacts.
5. The difficulty **was** self-created, as it is the applicants change of use driving this request.
6. This is a Type II action under SEQR

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

MOTION

Mr. Mahood moved, second by Mr. Cichon to adjourn the meeting at 7:32 PM.

APPROVED

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