

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, July 14, 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
Stephen Tudhope

ATTORNEY: David Hou

OTHERS: Town Councilperson, Tom Dubois

Minutes were taken by Katrina Allen.

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

VANWUYCKHUYSE AREA VARIANCE

An area variance application by Brian VanWuyckhuysse, 17 Surrey Hill Lane, Pittsford, consisting of 1.56 acres, for a generator with a side setback of 17 feet whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA-2. Tax account no. 204.04-1-27.

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

The applicants came before the Board.

Mr. VanWuyckhuysse said they wish to have a generator and it needs to be five feet from the house. It will be 17' from the property line, but they need to be 20'. They are asking for a three-foot variance. This is the only place they can put it because of where the gas comes in and the heating a cooling. There is a wall behind that. This is the only place besides the front yard.

Mr. Bassette asked for the approximate dimensions of the generator. Mr. VanWuyckhuysse said it is 3' wide and 2' long.

Mr. Bassette asked if it is 5' from the property line. Mr. VanWuyckhuysse asked if that is not code.

Mr. Bassette asked about the house on the property line. Mr. VanWuyckhuysse said he has spoken with his neighbor, and they have no concerns.

Mr. Bassette asked if there are trees. Mr. VanWuyckhuysse said yes.

Mr. Bassette asked if the applicant planned on removing any of the trees. Mr. VanWuyckhuysse said no.

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

Mr. Bassette waived the formal asking of the five questions as they had been answered.

MOTION

Mr. Maxon moved, seconded by Mr. Tudhope, to close the public hearing at 7:03 pm.

APPROVED

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

PUBLIC COMMENT

None

MINUTES

Mr. Mahood moved, seconded by Mr. Tudhope to approve the minutes from June 23, 2022 meeting.

APPROVED

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

The Board discussed the VanWuyckhuysen Area Variance determination.

VANWUYCKHUYSE AREA VARIANCE DETERMINATION

Mr. Tudhope moved, seconded by Mr. Maxon, that the area variance requested by Brian VanWuyckhuysen, 17 Surrey Hill Lane, Pittsford, consisting of 1.56 acres, with tax account no. 204.04-1-27, Zoned RA-2., for a generator with a side setback of 17 feet whereas code requires a 20-foot side setback, be **approved** based on the following:

WHEREAS, Brian VanWuyckhuysen, the property owner appeared before the Zoning Board of Appeals at the public hearing on July 14, 2022; and

WHEREAS, Section 260-106 of the Mendon Zoning Code states the RA-2 District has a side setback of 20 feet. The applicant is requesting a side setback of approximately 17 feet; and

WHEREAS, The intent is to place a standby generator, measuring approximately 2 feet by 3 feet, located approximately 5 feet from the existing residence; and

WHEREAS, There is already a residence on the neighboring lot. There are a number of trees between these two structures; and

WHEREAS, Existing structures prevent placement behind the residence, and the planned location is in proximity to utilities; 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 27, 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, due to location of utilities.
2. The request is **not** substantial, as it is for three feet.
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 request is too small.
4. The request will **not** have an undesirable change in the neighborhood, as the scale is small enough.
5. The difficulty **was** self-created, as the applicants desire is driving this variance.
6. This is a Type II action under SEQR
- 7.

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

MOTION

Mr. Tudhope moved, seconded by Mr. Maxon to approve the VanWuyckhuyse Area Variance

APPROVED

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

MOTION

Mr. Mahood moved, seconded by Mr. Maxon to adjourn the meeting at 7:11 PM.

APPROVED

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