

A Regular Meeting of the Zoning Board of Appeals was held on Thursday, January 23rd, 2025, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY, 14472 at 7:00 pm.

PRESENT: Christian Mahood- Chair
Dustin Cichon
Tom Voorhees
Ted Trybus

ABSENT:

ATTORNEY: David Hou

OTHERS: Town Councilperson, Kimberly Roberts
James LeBeau

Minutes were taken by Brooke Buckland.

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

MINUTES

MOTION

Mr. Trybus moved, seconded by Mr. Voorhees, to approve the minutes of the December 12th, 2024 Zoning Board of Appeals meeting, as submitted.

APPROVED

Mr. Mahood – aye; Mr. Cichon – aye; Mr. Voorhees – aye, Mr. Trybus – aye.

LEBEAU AREA VARIANCE

James LeBeau, 4135 Clover Street, Honeoye Falls, NY, consisting of 6.11 acres, requesting 17' of relief to deconstruct an existing pole barn to comply with property line limit, whereas code requires a 20-foot side setback and therefore requires an area variance. Zoned RA - 2. Tax account no. 216.07-2-034.

MOTION

Mr. Trybus moved, seconded by Mr. Cichon to open the Public Hearing.

APPROVED

Mr. Mahood – aye; Mr. Cichon – aye; Mr. Voorhees – aye; and Mr. Trybus – aye.

Mr. Mahood asked the Board if they had all reviewed the application. Every member had.

Mr. LeBeau was welcomed to the table to explain their application and reasoning for requesting an Area Variance.

Mr. LeBeau & his wife closed on the property in August of 2023. A week prior to closing it was brought to their attention that there was an encroachment of a property line. The existing pole barn was built 5' over the neighboring property. The LeBeau's agreed to move forward with the purchase of the property. Fast forward to October of 2023, the LeBeau's received notice from Harris Beach Law Firm with extreme language. At this time, the LeBeau's had taken the matter to the Town for guidance on how to properly move forward with getting this dispute resolved. Mr. LeBeau had hired a licensed contractor and was proposing to remove 8' off the existing barn. However, the applicant would still need to seek approval for an Area Variance for relief from side setbacks.

Mr. Trybus asked the applicant if any part of the structure being removed is load bearing. The applicant states they are only proposing to remove 8' off the Northern vertical section of the barn in which is non load bearing.

Mr. Trybus states he noticed the contractor did not include removal of the concrete pad.

Mr. LeBeau said he plans to remove the remaining encroaching concrete pad himself after deconstruction.

Discussion ensued around utilities to the pole barn.

The applicant states there are outlets, but no utilities. That the previous homeowner would run a generator to supply electricity.

PUBLIC COMMENT

None

MOTION

Mr. Voorhees moved, seconded by Mr. Trybus, to close the Public Hearing.

The Board discusses the application.

Mr. Mahood reviewed the draft determination for LeBeau Area Variance Application and the five questions.

MOTION

Mr. Trybus moved, seconded by Mr. Vorhees to approve the LeBeau Area Variance pursuant to conditions set forth in the written resolution.

APPROVED

Mr. Mahood – aye; Mr. Cichon – aye; Mr. Voorhees – aye; and Mr. Trybus – aye.

LeBeau AREA VARIANCE DETERMINATION

Ted Trybus moved, seconded by Tom Voorhees, that the Area Variance requested by James LeBeau, for his property located at 4135 Clover Street, Honeoye Falls, New York 14472, tax ID no. 203.04-1-23, zoned RA-5, for an area variance to remedy a property line encroachment by shortening length of a pre-existing accessory structure that extends beyond the property line, to be within the twenty-foot (20') side setback, be **GRANTED** based on the following:

WHEREAS, the above property owner appeared before the Zoning Board of Appeals at the public hearing on the application on January 23, 2025; and

WHEREAS, the Town of Mendon Zoning Code Section 260-106 provides that a side yard setback in the RA-5 zoning district shall be at least twenty feet (20'); and

WHEREAS, the previous owner constructed an accessory structure within the 20' side setback that also encroaches several feet onto the adjacent property; and

WHEREAS, Mr. LeBeau seeks to remove eight feet (8') from the north side of the accessory structure to remedy the encroachment, which will result in a three-foot (3') side setback; and

WHEREAS, this application was sent to the Zoning Board of Appeals' attorney and the Town Code Enforcement Officer for review; and

WHEREAS, this application was sent to the Monroe County Planning Board for review pursuant to General Municipal Law 239-m, and the application was returned as a local matter with comments; and

WHEREAS, the Zoning Board of Appeals held a public hearing and the public was given the opportunity to comment on the application.

NOW, THEREFORE, BE IT RESOLVED that this application constitutes a Type II action under SEQRA, and no further environmental review is required;

AND BE IT FURTHER RESOLVED that the Zoning Board of Appeals has weighed the effects of the requested variance against the health, safety, and welfare of the neighborhood and community, and hereby **GRANTS** the application based on the following findings:

1. The requested benefit **CAN** be achieved by other feasible means because the building could be relocated or removed.
2. The request **IS** substantial because it is for 17' out of the permitted 20' setback.
3. The request **WILL NOT** have an undesirable change in the neighborhood because the barn already exists and the change will improve the situation by removing the encroachment.

- 4. The request **WILL NOT** have an adverse effect on the physical and/or environmental conditions of the neighborhood or district because the structure already exists.
- 5. The difficulty **IS** self-created because the applicant purchased the property with knowledge of the circumstances, although the Town Code Enforcement Officer inadvertently issued the Certificate of Compliance to the original builder/owner in error.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following: any remaining concrete in the encroachment area to be removed by the Applicant.

Following discussion on this Resolution, the following roll call vote was taken and recorded:

Dustin Cichon	Aye
Christian Mahood	Aye
Ted Trybus	Aye
Thomas Voorhees	Aye

Approved: 4 Ayes, 0 Nays

Christian Mahood, Chairperson of the Zoning Board of Appeals, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the Zoning Board of Appeals duly convened and held on January 23, 2025, a quorum being present.

 Christian Mahood, Chairperson
 Town of Mendon Zoning Board of Appeals

MICHELLE BOOTH, Town Clerk of the Town of Mendon, hereby certifies that the foregoing Resolution was duly filed in her office on _____, 2025.

 Michelle Booth, Town Clerk
 Town of Mendon

GENERAL DISCUSSION

Discussion ensued around the Turner Area Variance application.

MOTION

Mr. Cichon moved, seconded by Mr. Voorhees, to adjourn the meeting at 7:32 pm.

APPROVED

Mr. Mahood – aye; Mr. Cichon – aye; Mr. Voorhees – aye; and Mr. Trybus – aye.

For full meeting information, please visit the Town of Mendon's YouTube page:

<https://townofmendon.org/community/youtube/>