

A regular meeting of the Zoning Board of Appeals was held on Thursday June 12<sup>th</sup>, 2025, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY 14472 at 7:00 pm.

PRESENT: Chris Mahood - Chair  
Tom Voorhees  
Paul Marasco  
Liz Horton  
David Hou (Attorney)

OTHERS: Kim Roberts – Town Board Member  
Peter & Suzanne Pallo – 97 Boughton Hill  
Lewis Carter – 79 Lanning Road

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

Minutes were taken by Brooke Buckland, Secretary to Planning and Zoning Board.

An amendment to the agenda was made by Mr. Mahood to move the Carter Area Variance application before the Pallo Area Variance application.

### **APPROVE APRIL 24<sup>TH</sup>, 2025 MEETING MINUTES**

The meeting was called to order. The first item on the agenda was the review and approval of the minutes from April 24<sup>th</sup>, 2025. The board members confirmed they had reviewed the minutes.

*Motion to approve the minutes from the April 24<sup>th</sup>, 2025 Zoning Board of Appeals meeting was made by Mr. Marasco and second by Mr. Voorhees.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye.*

### **CARTER AREA VARIANCE**

An area variance application by Lewis Carter, 79 Lanning Road Honeoye Falls, NY, consisting of 10 acres, requesting relief to construct a pole barn in front of the primary residence, whereas code does not permit any accessory structure built in front of the primary residence and therefore, requires an area variance. Zoned RA-1. Tax account no. 223.01-1-15.

*A motion to open the public hearing was made by Mr. Marasco and second by Ms. Horton.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

Mr. Carter presented his application to put a pole barn on his property. He explained that due to the current layout of the property, placing the barn flush with the house would put it too close to the pond and potentially in a wetland area. He also noted it would be significantly more expensive due to extended driveway and utility needs.

Mr. Carter mentioned that the pole barn would be gray to closely match the house, with a metal roof. He stated he would probably put stone on the front and back to keep it visually

appealing. Initially, there would be no utilities, but he planned to eventually add electric and water. He noted the proximity to existing utilities, including a buried propane tank between the house and the proposed site.

Mr. Carter confirmed that all construction would be contracted.

*A motion to close the public hearing was made by Mr. Marasco and second by Mr. Voorhees.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

The Board then went through the five criteria for granting an area variance:

- The requested benefit **CAN** be achieved by other feasible means because the barn could be located elsewhere on the property.
- The request **IS NOT** substantial because it complies with existing front setback requirements and there are other similar accessory structures in the neighborhood.
- The request **WILL NOT** have an undesirable change in the neighborhood because there are other similar accessory structures in front of the principal residence in the neighborhood.
- The request **WILL NOT** have an adverse effect on the physical and/or environmental conditions of the neighborhood or district because it complies with setbacks and there are similar structures in the neighborhood.
- The difficulty **IS** self-created because it is the applicant's desire to construct the pole barn forward of the principal residence.

The Board added a condition to the approval such as; the aesthetics of the barn shall be consistent with the principal residence.

*Motion to approve the Carter Area Variance as proposed and pursuant to the written resolution was made by Mr. Voorhees and second by Mr. Marasco.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

### **PALLO AREA VARIANCE**

An area variance application by Peter Pallo, 97 Boughton Hill Road, Honeoye Falls, NY, consisting of 6.73 acres, requesting two Area Variances to construct a pole barn. The first variance is requesting relief from Chapter 260-106, whereas code requires a 60-foot front setback and the proposed pole barn has a 37'2" front setback and therefore requires an area variance. The second variance is requesting relief from Chapter 260-8 (C)(7), whereas code does not permit any accessory structure to be constructed closer to the street or right-of-way line than the minimum front yard setback for the principal building. Zoned RA-5. Tax account no. 229.01-1-6.

*Motion to open the public hearing was made by Mr. Marasco and second by Mr. Voorhees.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

Mr. and Mrs. Pallo presented their proposal to put up a pole barn/detached garage on the side of their house for storage purposes. They explained that they had been working with Greenland surveying to determine the best location, given the multiple environmental protection areas (EPODs) on their property, including wet areas and flood zones.

They noted that they were seeking two variances: one for the minimum setback from the road (requesting approximately 37 feet instead of the required 60 feet) and another for placing the structure forward of the home due to the property's topography.

Mr. Mahood made sure that applicants were aware that there are two existing unpermitted structures on the property. Mr. Pallo explained that these structures, a 12' x 16' shed and a deteriorating carport, were present when they bought the property in 2016. They expressed a desire to keep the shed if possible but were willing to remove the carport.

Mr. Mahood asked about the possibility of moving the existing shed to meet setback requirements. The Pallo's explained that due to flooding issues and the property's topography, this would require significant fill and a potential retaining wall.

Mr. Mahood discussed the need to address these existing structures, either by bringing them into compliance or removing them.

*Motion to close the public hearing was made by Mr. Marasco and second by Mr. Voorhees.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

The Board then went through the five criteria for granting an area variance, in which, in this case, would apply to both area variances requested.

- The requested benefit **CANNOT** be achieved by other feasible means because of the topography and environmental conditions at the site.
- The request **IS** substantial because it is more than 50% of the required code.
- The request **WILL NOT** have an undesirable change in the neighborhood because there is a considerable amount of vegetative screening to hide the garage.
- The request **WILL NOT** have an adverse effect on the physical and/or environmental conditions of the neighborhood or district because the site layout puts the garage outside of sensitive environmental areas.
- The difficulty **IS** self-created because it is the applicant's desire to build the garage in this location.

The following conditions were added to the approval:

- Prior to the issuance of a building permit for the proposed garage, the applicant shall either bring the other structures into compliance or remove them.
- The aesthetics of the new structure should match the existing house in terms of color, roof, and general appearance.

*Motion to approve the Pallo Area Variance as proposed and pursuant to the written resolution was made by Mr. Marasco and seconded by Mr. Voorhees.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

## **PUBLIC COMMENT**

No public comment.

**GENERAL DISCUSSION**

**UPCOMING MEETING'S**

June 26<sup>th</sup>, 2025 – cancelled unless a rehearing is necessary.

*Mr. Marasco made a motion to adjourn the meeting at 7:33 pm, seconded by Mr. Voorhees.*

*Mr. Voorhees – aye; Mr. Mahood – aye; Mr. Marasco – aye; Ms. Horton – aye.*

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