

A regular meeting of the Zoning Board of Appeals was held on Thursday, August 28th, 2025 at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY 14472 at 7:00 pm.

PRESENT: Chris Mahood - Chair
Paul Marasco
Liz Horton
Jeff Johnston
David Hou (Attorney)

ABSENT: Tom Voorhees

OTHERS: Kim Roberts – Town Board Member
Peter & Suzanne Pallo – 97 Boughton Hill
Vincent Holley – 363 Lanning Road
Jay Didas – Fusion Energy

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

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

APPROVE JUNE 12th, 2025 MEETING MINUTES

The meeting was called to order. The first item on the agenda was the review and approval of the minutes from June 12th, 2025. The board members confirmed they had reviewed the minutes.

Motion to approve the minutes from the June 12th, 2025 Zoning Board of Appeals meeting was made by Mr. Marasco and second by Ms. Horton.

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – 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 keep an unpermitted shed. The first variance is requesting relief from Chapter 260-106, whereas code requires a 60-foot front setback and the existing shed has a 32'2" 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. Johnston.

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – aye.

Mr. Pallo approached the board and explained that when he previously appeared before the Board in June for a variance to construct a pole barn, it was discovered that there was an existing unpermitted shed on the property that was not in compliance. He stated that there is no other suitable area on the property to relocate the shed, which is currently used to store seasonal equipment.

Mr. Mahood confirmed with the applicant that they are not proposing to make any improvements to the shed but rather just bring it into compliance.

Mr. Johnston asked Mr. Pallo if there are any utilities to the shed and what the base of the shed is.

Mr. Pallo stated there are no utilities and the shed is placed on a stone pad with a plywood base in the shed.

There was no public comment.

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

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – aye.

Motion to approve the Pallo Area Variance as proposed and pursuant to the written resolution was made by Mr. Marasco and second by Mr. Johnston.

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – aye.

PALLO AREA VARIANCE DETERMINATION

Paul Marasco moved, seconded by Jeffrey Johnston that the area variances requested by Peter and Susanne Pallo, for property located at 97 Boughton Hill Road, Honeoye Falls, Tax ID No. 229.01-1-6, zoned RA-5, to allow a 32.2-foot front setback for a storage shed that is also forward of the minimum front yard setback for the principal building, be GRANTED based on the following:

WHEREAS, the above property owners appeared before the Zoning Board of Appeals at the public hearing on the application on August 28, 2025; and

WHEREAS, Town Code Section 260-106 requires a minimum front setback of sixty feet (60 ft'); and

WHEREAS, Town Code Section 260-8(C)(7) prohibits accessory structures forward of the minimum front yard setback for the principal building; and

WHEREAS, this application was sent to the ZBA's 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, on or about June 12, 2025, the ZBA granted area variances to the Applicant for a pole barn to be located forward of the principal building, and for a front setback of 37.2 front setback, and during the review of that application it was discovered that there was already an existing but unapproved storage shed on the property that was forward of the principal building and also less than the minimum required front setback; and

WHEREAS, one of the conditions of said prior approval was that the Applicant must take action to render the said storage shed to be properly permitted (i.e. obtain an area variance for it); and

WHEREAS, the ZBA held public hearings on August 28, 2025 and the public was given the opportunity to comment on the application and no public comments were received;

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 ZBA has weighed the effects of the requested variances against the health, safety, and welfare of the neighborhood and community, and hereby GRANTS the requested variance for a 32.2-foot front setback for the storage shed based on the following findings:

- 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 nearly 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 storage shed.
- 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 storage shed outside of sensitive environmental areas.
- The difficulty **IS** self-created because the storage shed was installed without first obtaining the proper approvals from the Town.

AND BE IT FURTHER RESOLVED that the ZBA has weighed the effects of the requested variances against the health, safety, and welfare of the neighborhood and community, and hereby GRANTS the requested variance to allow an accessory structure forward of the minimum front setback of the principal building based on the following findings:

- 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 entirely forward of the principal building.
- The request **WILL NOT** have an undesirable change in the neighborhood because there is a considerable amount of vegetative screening to hide the storage shed.
- 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 storage shed outside of sensitive environmental areas.
- The difficulty **IS** self-created because the storage shed was installed without first obtaining the proper approvals from the Town.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following conditions, if any:

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

Christian Mahood	Aye
Thomas Voorhees	Absent
Paul Marasco	Aye
Elizabeth Horton	Aye
Jeffrey Johnston	Aye

Approved: 4__ Ayes, 0__ Nays

HOLLEY AREA VARIANCE

An area variance application by Jay Didas, 7573 Fusion Energy Services, Naples NY, for property located at 363 Lanning Road, Honeoye Falls NY, 14472, consisting of 5.57 acres, requesting relief from Section 260-8(c)(3) of the Zoning Ordinance to install a residential ground mounted solar array. Zoned RA-1. Tax account no. 230.01-1-19.1.

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

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – aye.

Jay Didas from Fusion Energy approached the board and represented Vincent Holley located at 363 Lanning Road. Mr. Didas explained they were seeking to install a small residential ground-mounted solar array. He noted the selected location was chosen to maximize sun exposure with minimal shade while also hiding the installation from both the homeowners and surrounding neighbors. The installation would be situated in a sizable depression on the property, making it difficult for neighbors to see.

Mr. Mahood asked Mr. Didas the distance of the arrays to the neighboring house.

Mr. Didas stated he did not take this measurement but estimated it to be roughly a couple hundred feet.

The Code Enforcement Officer informed the Board that the nearest neighboring house was approximately 300 feet away from the proposed arrays.

Ms. Horton asked Mr. Didas what the height of the arrays would be.

Mr. Didas confirmed it would be approximately 9 feet from the top of the array to the ground.

Mr. Johnston asked the property owner if the tennis court was in operation and if not, have they considered placing the solar arrays on the tennis court.

Mr. Holley stated that the tennis court is not in operation due to large cracks in surface. Mr. Holley confirmed that they have no desire to install the arrays on the court, as doing so, the arrays would be visible from the road, as well as from their house. The whole purpose for choosing the location as proposed is so the arrays are not visible to the public.

Mr. Didas expressed to the board the difficulty to install the arrays on the Tennis Court in respect to the mounting hardware that it would require.

Mr. Johnston asked if the applicants have considered roof mounted Solar.

Mr. Didas stated that due to the excessive tree coverage around the house, as well as the roofline, roof mounted was not feasible.

Mr. Marasco asked about the timeline for construction. Mr. Didas stated that the construction needed to be completed by the end of the year in order to qualify for federal tax credits.

Mr. Hou reminded the Board that the variance in front of them focuses solely on exceeding lot coverage under current code regulations rather than the installation itself.

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

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – aye.

Motion to deny the Holley Area Variance as proposed and pursuant to the written resolution was made by Ms. Horton and seconded by Mr. Marasco.

Mr. Johnston – aye; Mr. Marasco – aye; Ms. Horton – aye; Mr. Mahood – abstain.

HOLLEY AREA VARIANCE DETERMINATION

Elizabeth Horton, seconded by Paul Marasco that the area variance requested by Jay Didas, Fusion Energy Services, a developer on behalf of Vincent Holley, the owner of 363 Lanning Road, Honeoye Falls, Tax ID No. 230.01-1-19.1, zoned RA-1, to allow residential solar panels to be installed on the property which would result in a lot coverage in excess of what is permitted for accessory structures, be DENIED based on the following:

WHEREAS, the above applicant appeared before the Zoning Board of Appeals at the public hearing on the application on August 28, 2025; and

WHEREAS, Town Code Section 260-8(C)(3) allows a 2% maximum lot coverage for accessory structures; and

WHEREAS, the property is 5.57 acres, which would permit only 4,852.58 sq. ft. (i.e. 2%) of lot coverage for accessory structures; and

WHEREAS, the property already has two accessory structures – a tennis court and an in-ground pool which already total approximately 8000 sq. ft., and the existing of which is believed to pre-date the 2% maximum lot coverage limit; and

WHEREAS, the proposed solar panel installation would result in an additional 1,687 sq. ft. (0.69%) of lot coverage; and

WHEREAS, this application was sent to the ZBA's 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 ZBA held public hearings on August 28, 2025, and the public was given the opportunity to comment on the application and no public comments were received;

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 ZBA has weighed the effects of the requested variances against the health, safety, and welfare of the neighborhood and community, and hereby DENIES the requested variance to allow residential solar panels to result in a lot coverage in excess of what is permitted for accessory structures, based on the following findings:

- The requested benefit **CAN** be achieved by other feasible means because there are other accessory structures that the panels could be placed on, and there could also be a smaller footprint for the proposed panels.
- The request **IS** substantial because the property is already far in excess of the permitted lot coverage for accessory structures.

- The request **WILL NOT** have an undesirable change in the neighborhood because he location is in a lower topographic area and there are trees that may block the view.
- The request **WILL NOT** have an adverse effect on the physical and/or environmental conditions of the neighborhood or district.
- The difficulty **IS** self-created because it is the owner’s desire to install the solar panels that necessitate the requested variance.

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

Christian Mahood	Nay
Thomas Voorhees	Absent
Paul Marasco	Aye
Elizabeth Horton	Aye
Jeffrey Johnston	Aye

Approved: 3 Ayes, 1 Nays

PUBLIC COMMENT

No public comment.

GENERAL DISCUSSION

UPCOMING MEETING’S

September 25th, 2025 – Coddington Area Variance
– Whitacker Area Variance

Mr. Marasco made a motion to adjourn the meeting at 7:46 pm, seconded by Mr. Johnston.

Ms. Horton – aye; Mr. Mahood – aye; Mr. Marasco – aye; Mr. Johnston – aye.