

**MEMBERS PRESENT:** C. Harold Gaffin, Chair  
Henry Besanceney  
Jim Hoh  
Mark Donahoe

**ALSO PRESENT:** Michael Tobin, Village Attorney; James Turner, Code Enforcement Officer; Applicant Representatives, David Primo, Konrad Hicke, Mark Petrowski (Bergman Associates); Carl Foss, Tom Judd,

Chairman Gaffin called the public hearing to order at 7:32 p.m.

**PUBLIC HEARING: AREA and USE VARIANCE: 40 NORTH MAIN ST.: SUNOCO APLUS**

Mark Petrowski: Sunoco is responding to the Town of Mendon's request to acquire the property bearing tax account no. 228.08-1-20.1 for use as access to the new public library. Sunoco wants to retain approximately 15 feet of this strip of land to relocate the four parking spaces on the south end of their property. This will improve the circulation through their site.

The remaining 57 feet lot may not necessarily remain a stand alone lot, but could be merged with the library parcel so a non-conforming lot of less than 80 feet wide would not be created permanently.

Addressing the zoning regulation regarding expansion of a non-conforming use, there is no proposal to expand the building, just want to move the four parking to make a safer and cleaner flow of traffic.

Chairman Gaffin made note that the current frontage of the subject lot is 71 feet and is not presently usable without major variances.

Chairman Gaffin invited the public to speak on this matter:

**Carl Foss**, residing at 41 Parish Road, Mendon, owner of 37 N. Main St. addressed the board on the issue of Zoning Board regulations according to the New York State Legislature. The applicant is required to answer four questions from the Board and prove a hardship in order to be granted the variance. There appears to be no hardship for Sunoco, since the business is doing well. The driveway access to the library would be much nicer if they were allowed to use the entire 71 feet, not the proposed 57 feet.

**Donald Thorp**, residing at 2 Rittenhouse Rd. presently on the Zoning Board for the Town of Mendon. The gas station has been at the present located for over 40 years and several businesses have been located in the area over the years. Zoning Board regulations do allow for flexibility at the Boards discretion. He believes this proposal is for the good of the community and moving the parking spaces at Sunoco does not change the character of the neighborhood

**William Mangegna**: owner of 22 N. Main St., addressed the Board regarding the Zoning on the property. He believes the zoning was changed to commercial several years ago to accommodate the bank and other businesses in the area. He reiterated that there will be no additional parking supplied at the Sunoco station.

**Tom Judd**: residing at 43 N. Main St. informed the Board that a study shows that approximately every 20 seconds a car goes through the Sunoco property. All previous additions and alterations to the Sunoco property have been a hardship on the neighbors and it is a constant source of noise and confusion. The Citizens Advisory Committee (CAC) for the Village of Honeoye Falls has requested to no further expansion of business on N. Main St. be allowed. If the driveway access to the library would allowed to be done, it would be very close to the residence of Richard Haviland at 32 N. Main St. Sunoco is not a good neighbor. This proposal was before the Zoning Board on a previous occasion and was turned down. The location of the parking spaces is a self-inflicted hardship for Sunoco and there was no permission granted from the village to put them there.

**Warren Grosjean**, residing at 21 Monroe St. stated that parking is now a problem at the Sunoco station and moving the four spaces would not increase business. Why are there so many violations to village code at this location? Weren't they required to follow sign and lighting ordinances?

**Jim Turner** indicated that there was no sign ordinance in effect at the time Sunoco put up their signs and there is not presently a lighting ordinance in the Village of Honeoye Falls.

**Harry VanBeuren**, residing at 37½ N. Main St. noted that no one has addressed the provision of people going in and out of the library. Will this work in traffic flow with site distance? Has DOT been involved?

Chairman Gaffin stated that that will be the role of the Planning Board if this variance is approved and the Library will have to get approval from DOT for the curb cut.

Chairman Gaffin admitted into record a memo from Mayor Gustin and the petition from the Neighborhood Association.

Chairman Gaffin inquired if there were any further comments from the assembled. As none were noted, the public hearing was closed at 8:34 pm.

REGULAR BUSINESS MEETING

Motion by Jim Hoh, seconded by Mark Donahoe to table the action until more cohesive plan between village, town and sunoco can be hashed out.

DISCUSSION

Mr. Hoh asked where on this piece of property the library driveway will fall. Chairman Gaffin stated that it is not relevant to this Board, DOT and planning board deal with this.

Vote: Hal Nay  
Jim Aye  
Mark Nay  
Hank Nay

Motion by Hank Besanceney, seconded by Mark Donahoe to grant variance of business use in R-2 district, non-conforming use and lot size smaller than 80 feet with contingencies and lighting and sign be brought into conformance.

Hal: go back to 4 criteria. Is hardship a concern: the project is in the interest of the town, taxpayers, village and use of space on vacant lot. No economic hardship, no gain and no loss. Specify that no expansion of the pumps is allowed. No diesel pump, no expansion of the building. Mark: neighbors knew the business was there when they moved in. Hal: nothing in this proposal makes the non-conforming worse. Mark: Library access can't even be discussed tonight.

No additional lighting that is not in conformance.

Mike: the lot line itself should be addressed. If you minimize the actual change in lot line

Forming a rectangle at end of proposed fence

On the economic hardship:

Vote:

Motion in favor of granting 3 variances and the board condition that on the fact that the lot line will be reconfigured so that per exhibit drawing P-1 dated 3/5/04 so that the lot line will match the proposed fence line. Lighting and signage. That the signage will be brought into current sign ordinance with of village of HFI. Lighting in the property will be displayed not to encumber any neighbors. Lights will be recessed placed in the canopy. Sign on the building as well as the sign at the street. No additional pumps erected or expansion of the business. Time frames: SIGNS would be done at the time the project is done and completed.

VOTE: all in favor

Motion carried.

Over at 9:06

Approve minutes motion made by HB, second by MD, all in favor.

Motion to adjourn at 9:06