

**MEMBERS PRESENT:** Theresa Markham, Co-Chair, Hank Besanceney, Mark Donahoe, Jim Hoh

**ALSO PRESENT:** Jim Turner, Code Enforcement Officer, Mike Tobin, Village Attorney, Brian Kaufman, Applicant; John and Sandy Door, applicants.

Co-Chairman Markham called the public hearing to order at 7:30 PM

**PUBLIC HEARING: AREA VARIANCE AND SPECIAL USE PERMIT: 14 W. MAIN ST.**

Brian Kaufman outlined his plans to turn the basement of the building at 14 W. Main St. into a studio apartment of approximately 600 sq. ft. This application was before the Zoning board on August 23, 2004 and at that meeting Mr. Kaufman was informed that he would need to verify that he has access to the property at the south side of the building. Mr. Kaufman went before the Town of Mendon Planning Board to request an easement for access over their property. This easement was approved by the Town Board, but has not been recorded. This Board has received a proposed easement dated Sept. 3, 2004.

Co-Chairman Markham asked if there was any input from the public. None was given.

Co-Chairman Markham Closed public hearing at 7:36 PM

Mr. Tobin suggested a procedural matter needs to be discussed. The problem he sees is that this application should be stated as a use variance not a special exception use. Village of Honeoye Falls Code only allows special exceptions for certain uses, and an apartment below a business in the Traditional Village District is not allowed. Statute says that a dwelling use above a business is allowed.

Mr. Tobin asked if the storage space is considered part of the total square footage required. Mr. Turner stated that as long as it is accessible by the tenant, it is allowed.

This Board questioned Mr. Tobin if another public notice would be required to change the variance request. Mr. Tobin said adequate information was given to the public by the public notice as it states that the use is for an apartment below the business.

Motion to deny special exception use permit made by Hank Besanceney, seconded by Mark Donahoe.

ALL IN FAVOR

MOTION CARRIED

Motion to approve a use variance for Dr. Kaufman to use the lower level of the building at 14 W. Main St. as an efficiency apartment as presented, made by Mark Donahoe, seconded by Hank Besanceney. Approval to be conditioned upon the receipt of a recorded copy of the Town of Mendon Easement

ALL IN FAVOR

MOTION CARRIED

**PUBLIC HEARING: SETBACK VARIANCE: 64 W. MAIN ST. : DORR**

Co-Chairman Markham opened the Public Hearing at 7:47 PM

Sandy Dorr presented plans and pictures to show the lot is very narrow and that is why the variance is needed. Letters are on file from neighbors, Joseph Reilly: 66 W. Main St. and Kevin Reilly, owner of Norton Grille, 60 W. Main St. stating no objections to the project.

Co-Chairman Markham asked if there was any input from the public. None was given.

Co-Chairman Markham Close public hearing at 7:55 PM

Motion by Hank Besenceney, seconded by Mark Donahoe to grant the setback variance as presented.

Discussion: Mr. Donahoe wants clarification on the allowable setback and why the applicants could not do it within those guidelines. Mr. Besenceney indicated that they cannot come into compliance because of the size of the lot. They are not going out of the parameters that already exist and because of the shape of the lot, there is no way to be in compliance. Mr. Donahoe stated that behind the garage there is a drop-off in the property and therefore prevents the extension out the back of the property. Mr. Turner indicated that if the house were not to be attached to the garage this would less of an issue because a detached garage only requires a setback of 3 feet. Mr. Tobin noted that the addition would not encroach on any neighboring property any more that it already does and both neighbors have indicated their approval.

ALL IN FAVOR  
MOTION GRANTED

Motion by Hank Besanceney, seconded by Mark Donahoe, to adjourn the meeting 8:20 PM.

ALL IN FAVOR  
MOTION PASSED

*Respectfully submitted,*

*Gerriann P. Alford*  
*Secretary for the Zoning Board of Appeals*