

VILLAGE OF HONEOYE FALLS ZONING BOARD

September 26, 2005

MEMBERS PRESENT: C. Harold Gaffin, Chairman; Theresa Markham; Jim Hoh; Mark Donahoe; Hank Besanceney

ALSO PRESENT: Geriann P. Alford, *Code Enforcement Officer*; Jules Zysman, *Applicant*; Sally Hacker, Applicant; Sandy Ford; Merlin and Doris Foe; Fred Scott; Chris Plain; Marian Plain; Gerard D’Hont; Pam Bassette; Robert Steve

Chairman Gaffin opened the public hearing at 7:30 PM

AREA VARIANCE REQUEST: ZYSMAN: 170 HYDE PARK

Dr. Zysman explained to the Board that he is requesting a variance based on fencing that is already in existence. This five foot wire fence, outside an arborvitae hedge, has been there 2 years to protect the hedge from the deer. It is not permanent fencing, but is left up year round. The hedge has been there 15-20 years and is not replaceable. Dr. Zysman brought in a picture of a similar hedge in the Village that has not been protected and shows irreparable damage up to about 5 feet. Dr. Zysman has planted Barberry bushes in the front of the fence to provide screening and in a few years the fence will not be seen from the street. Earlier this year Dr. Zysman put up the white fence along his south property line, he contacted all the neighbors on that side and none of them had a problem with any of his existing fencing, including this 5’ wire fencing in the front.

Chairman Gaffin asked if there was any input from the public.

Doris Foe, residing at 93 N. Main Street, addressed the Board. There is fencing als the way around Dr. Zysman’s property. Dr. Zysman’s apple tree, located along Foe’s driveway, attracts the deer, and since the deer cannot get onto the Zysman property, they come into Foe’s property and eat her arborvitae bushes. Dr. Zysman does not trim the grass and weeds along the fencing and chipmunks, moles and wood chucks come into the Foe property. Mrs. Foe would like Dr. Zysman to keep the fence clean of weeds.

Merlin Foe, residing at 93 N. Main Street, addressed the Board. Dr. Zysman did not contact him when he put up the white fence. There was no building permit granted for a 5’ fence and according to village code any fence is required to have a building permit before it is put up. Mr. Foe gave the Board many pictures of the weeds along his property line, which Dr. Zysman has not taken care of. He would like all of Dr. Zysman’s fencing, including the fence in the rear and sides, reviewed by this Board, since none of it was put up with a building permit.

AREA VARIANCE REQUEST: HACKER: MONROE STREET

Sally Hacker and her sister Sandy have a purchase offer for the 13 acre parcel next to 175 Monroe Street. The Buyers would like to build a single family home on the property, but this variance is required because there is not 80 foot of frontage on Monroe Street.

Chairman Gaffin asked if there was any input from the public.

Jerry D’Hont, residing at 129 Monroe Street stated that a long time ago a Mr. Frank built the house at 175 Monroe Street and thought the 13 acre piece of land would be forever wild because they couldn’t get access to it from the street.

Fred Scott, residing at 174 Monroe St. is confused about the property being in two zoning districts. What is the purpose of the RM district? If this variance is granted, can the buyer, or future buyers, put up multi-family dwellings? Mrs. Hacker indicated that it was the intention of the Buyer to put up a single family home only. He also questioned if there has been any test drilling done on the property for bedrock. Mrs. Hacker said she has given the Buyer permission to do so, but does not believe it has been done yet.

Chris Plain, residing in Mendon, whose mother lives at 161 Monroe Street, asked the Board if the owners of this property could put it together with the house property to make one large lot and try to sell it that way. He is opposed to a new home being built.

Pam Bassette, residing at 181 Monroe St., asked the Board if there a precedent for this. Chairman Gaffin indicated that there are other properties in the Village with this condition that have been granted variances to build single family homes.

Bob Steve, residing at 148 Monroe St., wanted to address the issue of population density, he would like to hear specifically how this Board can restrict it to just a single family dwelling if this variance is granted.

Marian Plain, residing at 161 Monroe St., stated that years ago the owner of this 13 acre parcel said the land would never be accessible or built upon.

Chairman Gaffin closed the Public Hearing at 8:32 PM.

BUSINESS MEETING:

ZYSMAN: 170 HYDE PARK

Motion by Hank Besanceney, seconded by Theresa Markham, to approve the application for an area variance as submitted by Dr. Zysman for a 5' fence along his front property line.

Mr. Donahoe stated that you have to look very hard to see this fence as it blends in with the bushes and has screening in front if it by the Barberry bushes. It has a purpose, to protect the hedge. The additional 1' does not create any undue hardship to neighboring properties.

Ms. Markham stated that the arborvitae could be wrapped in the winter instead of using this fencing. Ms. Markham is concerned about setting a precedent for other residents to put up a 5' fence in their front yards. There are other alternatives, such as spraying and fertilizer.

Mr. Hoe would like to add a stipulation to this approval stating that no replacement of this fence could take place in the future, this variance would only apply to the existing fence and the Bayberry bushes in front of the fence must remain in place to provide screening for the fence.

Motion by Jim Hoh, seconded by Hank Besanceney, to amend the approval with these conditions.

ROLL CALL VOTE:

Jim Hoh:	Aye
Mark Donahoe:	Aye
Hank Besanceney:	Aye
Theresa Markham:	Aye
C. Harold Gaffin	Aye

ALL IN FAVOR

MOTION GRANTED

HACKER: MONROE STREET

Motion by Theresa Markham, seconded by Hank Besanceney, to approve the application for an area variance as submitted by Sally Hacker for a 45' frontage where 80' is required.

Mr. Donahoe would to address the village attorney about the two different zones for this property.

Chairman Gaffin needs to clarify whether or not the Zoning Board can place a restriction on the approval of this variance to limit the property to a one family if most of the parcel is in the RM district. The zoning for this property should be R-1 throughout and this Board should reserve their decision until this takes place.

Motion by Hank Besanceney, seconded by Mark Donahoe to table the motion for approval until the October 24, 2005 Zoning Board meeting.

ROLL CALL VOTE:

Jim Hoh:	Aye
Mark Donahoe:	Aye
Hank Besanceney:	Aye
Theresa Markham:	Aye
C. Harold Gaffin	Aye

ALL IN FAVOR

MOTION GRANTED

APPROVAL OF MINUTES

Motion by Mark Donahoe, seconded by Jim Hoh, to approve the minutes of the July 25, 2005 Zoning Board meeting.

ALL IN FAVOR

MOTION GRANTED

Motion by Hank Besanceney, seconded by Mark Donahoe, to adjourn the meeting at 9:30 PM.

ALL IN FAVOR

MOTION GRANTED

Respectfully submitted,

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