

VILLAGE OF HONEOYE FALLS ZONING BOARD

June 22, 2009

MEMBERS PRESENT: Hal Gaffin, Chair; Hank Besanceney; Mark Donahoe; Jim Hoh; Theresa Markham

ALSO PRESENT: Danny Bassette, Joe Cooley, Ryan Stoner (Mathstone Corp.), Gary Garafalo (Avery Engineering)

Chair Gaffin opened the meeting at 7:30 PM

AREA VARIANCE – 2 LEHIGH ST. – MATHSTONE CORP.

Gary Garafalo presented plans to re-subdivide 15 Norton St, 21 Norton St and Lehigh St lot bearing tax id no. 228.42-1-3 into three new lots.

The first lot will be approximately 22,500 sf. and will be 30% commercial and 70% residential. The second lot will be approximately 18,000 sf. and will be 100% residential.

The remaining lot (approximately 24,750 sf.) will consist of three new 4-unit buildings, each of which will be between 1800-2000 sf. All the units will be residential with the exception of one business office. This will result in a commercial/residential mix of 6%/94%, respectively.

The variance being applied for relates to this third lot. The lot is in the TV district and, according to §190-31.1(b) of the Village Code, is required to have a minimum of 25% commercial use and 75% residential use.

Mr. Stoner argued that there is already a surplus of commercial space. Bringing in more residential units will help sustain the commercial establishments that already exist. All of his residential properties are currently filled and he gets several calls a day from individuals looking for residential. He has had to offer substantial discounts to get commercial tenants and feels it will be impossible to find tenants for more commercial units. However, the units are configured in such a way that several of the residential units could be converted to commercial use in the future if the need ever arises.

Chair Gaffin commented that, due to the surplus of commercial space in the Village, the requirement of 25% commercial places an undue hardship on Mr. Stoner. He likes the idea that some of the units could be converted to commercial use in the future.

There were no comments/questions from the public so Chair Gaffin closed the public hearing at 8:00 PM.

Motion by Jim Hoh, seconded by Hank Besanceney, to grant the area variance.

Chair Gaffin asked if there were any comments/discussion from the board.

Hank Besanceney said he agrees with the notion that more residential space will help to support the commercial establishments. In addition, the location of this property is too far off the beaten path to sustain commercial units.

Jim Hoh commented that there are already too many vacant commercial units in the Village so creating more doesn't make sense. Adding more residential space does make sense, especially since this lot borders on a residential area.

Mark Donahoe commented that he liked the look of the submitted drawings and thinks the plan fits in well with the surrounding area. Theresa Markham agreed.

ROLL CALL VOTE

1. H. Besanceney – Aye
2. H. Gaffin – Aye
3. M. Donahoe - Aye
4. J. Hoh – Aye
5. T. Markham – Aye

ALL IN FAVOR

MOTION CARRIED – AREA VARIANCE GRANTED

The Board filled out the Area Variance Determination Worksheet (see attached).



APPROVE MINUTES FROM MARCHY 23, 2009

Motion by Hank Besanceney, seconded by Jim Hoh, to approve the minutes from the March 23, 2009 ZBA as presented.

ALL IN FAVOR

MOTION CARRIED – MINUTES APPROVED



Motion by Mark Donahoe, seconded by Theresa Markham, to adjourn the meeting at 8:20 PM.

ALL IN FAVOR

MOTION CARRIED – MEETING ADJOURNED

*Respectfully submitted,
Judi Barrett
Clerk for the Zoning Board of Appeals*

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Mathstone
Property Address: 2 Lehigh St., Honeoye Falls, NY 14472
Zoning Ordinance(s): §190-31.1(b)
Variance(s) Requested: 6% commercial use and 94% residential use in TV district where mixed occupancy minimum is 25% and 75%, respectively

In making its determination, the zoning board of appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

The Zoning Board made the following findings:

1. THE BENEFIT SOUGHT BY THE APPLICANT CAN CANNOT BE ACHIEVED BY OTHER FEASIBLE MEANS. EXPLAIN:

can not be achieved in no other as adding commercial space would be a self created hardship

2. GRANTING OF THE VARIANCE WILL WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES. EXPLAIN:

the application will be a benefit to the local neighborhood

3. THE REQUESTED VARIANCE IS IS NOT SUBSTANTIAL. EXPLAIN:

is not substantial - 25% vs 6%

4. THE VARIANCE WILL WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT. EXPLAIN:

the application will be an improvement to the physical or environment

5. THE ALLEGED DIFFICULTY WAS WAS NOT SELF-CREATED. EXPLAIN:

due to the amount of ^{excess} commercial space throughout the Village.

Zoning Board Decision: Based upon the above findings, the Zoning Board

GRANTS DENIES the area variance application.

[Signature]
Chairman Signature

6/22/09
Date