

MEMBERS PRESENT: Theresa Markham, Hank Besanceney, Jim Hoh, Mark Donahoe

ALSO PRESENT: Charlie Johnson; Danny Bassette; Ryan Stoner; Gary Garofalo, Rick West, Kelly Dollarhide, Dan Altamura, Glenn Turdik, Danny Bassette, Walt Dyer, Jane Kjoller, Diane Bredes-Nies

Chair Markham called the meeting to order at 7:33 PM.

AREA VARIANCE: 166 WEST MAIN ST.

Dan Altamura reviewed the reduced width of the proposed building addition from 25 feet to 20 feet. This permits two way traffic around the end of the building. Charlie reviewed the other conditions of Planning Board approval for the Board.

Hearing no requests by the public to speak, Chair Markham closed the public hearing at 7:40



AREA VARIANCE (rear yard setback): 34 NORTON STREET

AREA VARIANCE (parking location): 34 NORTON STREET

Ryan Stoner & Gary Garofalo reviewed the application stating that the Village's published information on the website was erroneous and further more the Planning Board did not point these issues out at the required sketch plan review application. The building was located on the site for the specific reason of not aligning with the building at 32 Norton Street. No reasonable alternative locations exist on the site. This creates the parking on the side of the building.

Mark asked: will building look similar to the one on 32 Norton? Ryan: yes

Mark asked: What will be the use of the former National Fuel building? Ryan: unknown at this time, storage is a possibility.

Mark asked: Discuss the two drive entries? Ryan: both driveways exist and will remain. Each drive will serve a separate building.

Hank stated: The existing building will shield the parking from street view. The parking rule (parking placed behind building) was established when buildings are located close to the street.

Mark asked: What is the separation between the buildings? Ryan: Traditional Village District requires a minimum 24 feet or the height of the taller building whichever is greater, this distance is 26 feet. This is another reason the rear yard setback cannot be met.

Hearing no requests by the public to speak, Chair Markham closed the public hearing at 7:50



AREA VARIANCE (rear yard setback): BEAM MILLING
AREA VARIANCE (parking location): BEAM MILLING

Ryan Stoner & Gary Garofalo presented plans for the Beam Milling property (also known as 0 Lehigh t., 1 Lehigh St, or 2 Lehigh St). They would like a variance to put parking on the side of the building instead of in the rear. Ryan explained that the building is oriented the way it is because he is trying to keep the “feeling” of the street. If they turn the building so that the parking will fit in the rear, it will not be as aesthetically pleasing. Additionally, headlights from parking cars will shine into people’s homes. With parking on the side, the headlights are shielded by the building.

Chair Markham opened the public hearing at 8:05PM.

Walt Dyer (26 Monroe St.), Diane Bredes-Nies (22 Monroe St.) and Jane Kjoller (24 Monroe St.) asked to speak. Their properties border Mr. Stoner’s property and they are concerned about maintaining the shielding between their properties and the new property. They asked if Mr. Stoner was planning on building a fence. Mr. Stoner said he does not want to build a fence. He prefers to use landscaping to shield the border.

Another concern was about light and noise. Mr. Stoner explained that, if they get the variance, there will be no rear parking and therefore headlights won’t be an issue. There is an existing hedgerow, which Ryan plans on keeping. He also intends to plant evergreens and will put barberries or some other sort of prickly hedge to prevent people from using the Monroe St. properties as a shortcut.

Mr. Dyer said he likes the idea of a birm. Ms. Bredes-Nies said she would like to live with Mr. Stoner’s solutions for one year but have recourse to come back if it doesn’t work to cut down noise, light and trespassers.

Charlie Johnson said that, if the variance is granted, there is no mechanism to allow the board to re-evaluate these specific issues after one year. Chair Markham added that these issues should be brought before the Planning Board when Mr. Stoner applies for site plan approval.

Jim Hoh commented that he has a problem with a 6’ rear setback. The property is currently adjacent to a parking lot and therefore 6’ seems enough. However, if someone wanted to develop the adjacent property in the future, a 6’ setback could cause a problem. Ryan pointed out that the rear of his property abuts the side of the adjacent property and the adjacent property is in the VB zone. This zone has a 3’ side setback requirement so 6’ shouldn’t be a problem. Jim said that given this information, he agrees that 6’ isn’t an issue.

There were no further requests by the public to speak, and Chair Markham closed the public hearing at 8:25.



AREA VARIANCE (rear yard setback): 34 NORTON STREET
AREA VARIANCE (parking location): 34 NORTON STREET

Motion by Hank Besanceney, seconded by Mark Donahoe to grant a variance for side parking and a 14’ rear setback based on the plans presented.

ROLL CALL VOTE

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

ALL IN FAVOR

MOTION CARRIED – AREA VARIANCES GRANTED



AREA VARIANCE (rear yard setback): BEAM MILLING

AREA VARIANCE (parking location): BEAM MILLING

Motion by Jim Hoh, seconded by Mark Donahoe to grant a variance for side parking and a 6' rear setback based on the plans presented.

Jim said the fact that the neighboring property has 3' setback minimizes the negative impact of a 6' setback. It also makes sense to have the parking on the side in order to keep it away from adjoining residential properties. Hank added that if parking was put in the rear, it would look like a set a barracks. The presented orientation is much more pleasing and in keeping with the neighborhood.

Mark commented that changing the plans to enable a 20' rear setback would compromise the overall feel of the area.

ROLL CALL VOTE

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

ALL IN FAVOR

MOTION CARRIED – AREA VARIANCES GRANTED



AREA VARIANCE: 166 WEST MAIN ST.

Motion by Hank Besanceney, seconded by Mark Donahoe, to grant the area variance based on the amended plans showing a 20' building.

Hank commented that at the last meeting, the applicants were given two options for amending the plans. They were co-operative and chose one of those options. They presented amended plans based on the option chosen.

Jim said he thinks it is a substantial variance without the applicant showing a reason why he needs to add onto his property.

Theresa suggested the Board delay the vote until after they fill out the Area Determination Worksheet. The Board agreed, filled out the worksheet (see attached) and then voted on the above motion.

ROLL CALL VOTE

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

**ALL IN FAVOR
MOTION CARRIED – AREA VARIANCES GRANTED**



The Board filled out the Area Determination Worksheets for 34 Norton St. and Beam Milling (see attached).



Motion by Hank Besanceney, seconded by Jim Hoh, to approve the minutes from July 27, 2009.

**ALL IN FAVOR
MOTION CARRIED – MINUTES APPROVED**



Motion by Mark Donahoe, seconded by Hank Besanceney to adjourn the meeting at 9:06 PM.

ALL IN FAVOR, MOTION CARRIED

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

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Honeoye Plaza.
Property Address: 166 W. Main St.
Zoning Ordinance(s): Chapter 190 – Table of Lot Bulk Requirements
Variance(s) Requested: Side Setback

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:
Applicant desires to increase leaseable area. Building expansion is the only way to complete this.
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:
Proposed expansion is similar in character to balance of property
3. THE REQUESTED VARIANCE IS IS NOT SUBSTANTIAL. EXPLAIN:
Applicant ~~requested~~ requested variance is limited to one portion of the building.
4. THE VARIANCE WILL WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT. EXPLAIN:
No noticable effect
5. THE ALLEGED DIFFICULTY WAS WAS NOT SELF-CREATED. EXPLAIN:
Self created by applicant.

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

GRANTS DENIES the area variance application.

Sherene Ward
Chairman Signature

8/24/09
Date

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Ryan Stoner
Property Address: 34 Norton St.
Zoning Ordinance(s): §190-41.F(4)
Variance(s) Requested: side parking

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 commu 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:
Parking to meet code is difficult to meet due to shape of lot and desire to meet varied building placement.
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:
Variance is a benefit vs. building parking to code.
3. THE REQUESTED VARIANCE IS IS NOT SUBSTANTIAL. EXPLAIN:
Impact is minimal.
4. THE VARIANCE WILL WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD DISTRICT. EXPLAIN: (Variance)
Parking creates some situlation which is in keeping with the code.
5. THE ALLEGED DIFFICULTY WAS WAS NOT SELF-CREATED. EXPLAIN:
due to proposed layout.

Zoning Board Decision: Based upon the above findings, the Zoning Board
 GRANTS DENIES the area variance application.

Shereese Nord
Chairman Signature

8/24/09
Date

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Ryan Stoner
Property Address: 34 Norton St.
Zoning Ordinance(s): §190, Attachment 2 – Table of Lot and Bulk Requirements
Variance(s) Requested: rear setback of 14' (20' required)

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:

*Without significant negative impact to the surrounding properties
The only portion of the bldg which impacts the setback - not the entire bldg.*

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:

It is in keeping with the character & bldg layout in the neighborhood.

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

Because it only one corner of the building is not in compliance.

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

*The variance actually keeps the character of the neighborhood
in fact consistent.*

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

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

GRANTS DENIES the area variance application.

Sharon C. Mar
Chairman Signature

4/24/09
Date

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Ryan Stoner
Property Address: 2 Lehigh St.
Zoning Ordinance(s): §190-41.F(4)
Variance(s) Requested: side parking

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:
Variance is a benefit to the overall project. Having building forward compromises the balance. It is not significant request.
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 building layout is in keeping w/ balance of neighborhood. Parking layout as proposed is a benefit to Monroe St neighbors.
3. THE REQUESTED VARIANCE IS IS NOT SUBSTANTIAL. EXPLAIN:
Parking variance as proposed is minimal
4. THE VARIANCE WILL WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT. EXPLAIN:
Proposed parking actually is a benefit to neighbors as it reduces possible impacts.
5. THE ALLEGED DIFFICULTY WAS WAS NOT SELF-CREATED. EXPLAIN:
Due to proposed layout.

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

GRANTS DENIES the area variance application.

Sherene M. Miller
Chairman Signature

8/26/09
Date

Village of Honeoye Falls
ZONING BOARD OF APPEALS
AREA VARIANCE DETERMINATION

Applicant/Owner: Ryan Stoner
Property Address: 2 Lehigh St.
Zoning Ordinance(s): §190, Attachment 2 – Table of Lot and Bulk Requirements
Variance(s) Requested: rear setback of 6' (20' required)

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:
without significant negative impact to the surrounding properties
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:
setback requirements as presented in variance application is in keeping with the neighborhood - adjacent property min setback at 3 feet
3. THE REQUESTED VARIANCE IS IS NOT SUBSTANTIAL. EXPLAIN:
In feet and inches it is substantial HOWEVER it ~~adj~~ is adjacent to a property zoned UB which has a setback minimum of 3' & this is 6' from the lot line.
4. THE VARIANCE WILL WILL NOT HAVE ANY ADVERSE PHYSICAL OR ENVIRONMENTAL EFFECTS ON THE NEIGHBORHOOD OR DISTRICT. EXPLAIN:
It is in keeping with the ~~case~~ neighborhood/village with bldgs close to lot line
5. THE ALLEGED DIFFICULTY WAS WAS NOT SELF-CREATED. EXPLAIN:

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

GRANTS DENIES the area variance application.

Sharon C. Mack
Chairman Signature

8/22/09
Date