

Honeoye Falls Village Zoning Board
Proposed Meeting Minutes December 28, 2015

Members Present: Hank Besanceney, Patrick Brennan, Mark Donahoe, Barry Kissack

Also Present: Michael Tobin (Village Attorney), Charlie Johnson (Code Enforcement Officer), Dan Bassette, Kim McCarty, June Smith, Shari Stottler, Robin Repass, Eric Smith, Andrew Sheared, Stephanie Tolan

Chairman Besanceney called the meeting to order at 7:33 p.m.

Meeting Minutes Approval

A motion to approve the October 26, 2015 and November 23, 2015 meeting minutes as written was made by M. Donahoe and seconded by P. Brennan. Motion carried.

Interpretation of Fence – 59 Ontario Street – Stephanie Tolan

The applicant, Stephanie Tolan, is requesting an interpretation of the nature of a fence. The applicant has constructed lattice on top of a railing of an existing deck more than 6 feet from ground level. She is also requesting an interpretation of the nature of a fence for a separate, freestanding lattice structure adjacent to the driveway which is at the beginning stages of construction. The applicant's intent of these structures is for privacy as the deck is visible to the neighborhood.

The term fence is defined in the Village Code (190-6) as: "Any structure regardless of composition, except a living fence, that is erected or maintained along property lines." Village Code 190-53, Fences & Walls, limits fence height to 6 feet in rear yards.

The Board will determine if the deck lattice is considered a fence. The Board will also determine if the freestanding structure is considered a fence or a structure.

Chair Besanceney opened the meeting for public comment.

Eric Smith, adjoining neighbor, questioned if the future plans will continue to be as sketched in the drawing provided. S. Tolan replied that it continues to be the plan.

June Smith, adjoining neighbor, questioned that if the freestanding structure is permitted, will others be able to construct similar structures. Chair Besanceney stated there would need to be a need for the height. J. Smith had concerns that the yard was not maintained last summer and questioned whether there would be plants covering the structure. S. Tolan intends to plant vines but did not do that last year as she stopped construction to await approval.

Robin Repass, adjoining neighbor, commented that she feels it is a great improvement. She is fine with the project.

Chair Besanceney closed the public comment portion of the meeting.

A motion was made by B. Kissack that the freestanding structure is not a fence and is subject to the owner applying for a building permit to complete the process. M. Donohoe seconded. A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, M. Donohoe-Aye, P. Brennan-Aye. Motion carried.

After much discussion amongst Board members the Board determined that the lattice on top of the deck railing is a fence. Therefore, a variance for a fence is required.

Area Variance – 59 Ontario Street – Stephanie Tolan

A motion was made by M. Donohoe that the lattice on top of the deck railing is a fence and to approve the fence height at 3 feet above the allowed maximum and conditioned the approval upon the owner applying for a building permit. P. Brennan seconded. A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, M. Donohoe-Aye, P. Brennan-Aye. Motion carried.

S. Tolan signed the Sign Posting Affidavit.

A motion was made by M. Donohoe to adjourn the meeting at 8:13 p.m. B. Kissack seconded. Motion unanimously approved.

Respectfully submitted,
Patty Pragle
ZBA Clerk