

**Honeoye Falls Village Zoning Board
Meeting Minutes August 22, 2016**

Members Present: Hank Besanceney, Stephanie Tolan, Patrick Brennan, Mark Donohoe, Barry Kissack

Also Present: Michael Tobin (Village Attorney), Charlie Johnson (Code Enforcement Officer), Dan Bassette, Melissa Lippa

Chairman Besanceney called the meeting to order at 7:30 p.m.

Area Variance – 20 East Street – Genesee Property Group

Agent for the applicant, Melissa Lippa is requesting an area variance to allow construction of a rear deck that does not meet the minimum setback from the rear property line. The applicant would like to provide an outdoor space for their tenants. The deck will go above the sub-basement door. Chair Besanceney was concerned they may hit bedrock. C. Johnson stated that the supports are required to go 42 inches below frost level. If the applicant finds stone and the rocks are immovable, the supports may be put in with approval by the CEO.

Chair Besanceney opened the meeting for public comment. There were no comments.

M. Donohoe had concerns about logs in the creek bed that need to be cleaned out. He also had concerns of visibility of the deck to the public and what it will look like. Chair Besanceney stated the applicant will have to clean out the debris and that the deck will not be visible from any nearby properties.

The agent for the applicant signed the sign posting affidavit.

A motion was made by B. Kissack and seconded by P. Brennan to grant the Area Variance for construction of a rear deck. A Roll call vote was taken: H. Besanceney-Aye, S. Tolan-Aye, M. Donohoe-Nay, P. Brennan-Aye, B. Kissack-Aye. Motion carried.

A motion to approve the July 25, 2016 meeting minutes as written was made by P. Brennan and seconded by M. Donohoe. A roll call vote was taken: H. Besanceney-Aye, S. Tolan-Aye, M. Donohoe-Aye, P. Brennan-Aye, B. Kissack-Aye. Motion carried.

A motion was made by M. Donohoe to adjourn the meeting at 7:48 p.m. S. Tolan seconded. Motion carried.

Chair Besanceney re-opened the meeting at 7:49 p.m. to go through the variance determination.

In making its variance determination, the Zoning Board of Appeals made the following findings:

1. The benefit sought by the applicant cannot be achieved by other feasible means. The existing building is already a non-conforming building, so the deck could not be constructed without a variance.

2. Granting of the variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. There will be no visibility to neighboring properties. The deck is not an unusual use.
3. The requested variance is not substantial. The proportion of the variance is not substantial.
4. The variance will not have any adverse physical or environmental effects on the neighborhood or district. The deck will not be visible to the public.
5. The alleged difficulty was self-created. However, the building is already non-conforming, and the variance is not substantial.

A motion was made by B. Kissack and seconded by S. Tolan to approve the Variance Determination. A Roll call vote was taken: H. Besanceney-Aye, S. Tolan-Aye, M. Donohoe-Nay, P. Brennan-Aye, B. Kissack-Aye. Motion carried.

A motion was made by P. Brennan to adjourn the meeting at 7:57 p.m. M. Donohoe seconded. Motion carried.

Respectfully submitted,
Patty Pragle
ZBA Clerk