

Honeoye Falls Village Zoning Board Meeting Minutes September 26, 2016

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

Members Absent:

Also Present: Charlie Johnson, Code Enforcement Officer; Mike Tobin, Village Attorney; Shawn Roy, Applicant; Scott Stanton

Chairman Besanceney called the meeting to order at 7:31 p.m.

Meeting Minutes Approval

A motion to approve the August 22, 2016 meeting minutes as written was made by M. Donohoe and seconded by B. Kissack. A roll call vote was taken: Motion carried.

Area Variance – Shawn Roy – 42 Fairlea

Applicant, Shawn Roy is requesting an Area Variance pursuant to Village Code Section 190 Attachment 1. Shawn explained that his garage burned down earlier in the year and this new garage was slightly larger than the original and would not meet the rear yard setback of 60' since it was now attached to his home. He described that the new garage will be a pole barn type construction requiring the garage to be slightly larger to allow for the posts to be installed around the existing garage slab. This is why the proposed rear setback is 2' less than the original garage's rear setback.

A motion was made by P. Brennan and seconded by S. Tolan to approve the Area Variance to permit a 12' rear yard setback where 60' is the minimum.

A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, S. Tolan-Aye, M. Donohoe-Aye. Motion carried.

The applicant signed the sign posting affidavit.

In making its variance determination, the Zoning Board of Appeals made the following findings: that this garage is a replacement to a previous structure and therefore there is no change to the character of neighborhood, no other feasible means exist, it is not self-created, and no negative environmental effects are created.

A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, S. Tolan-Aye, P. Brennan-Aye, M. Donohoe-Aye. Motion carried.

Area Variance – Cafua Management – 116 West Main Street

Mark Donahoe recused himself as an employee of Dunkin Donuts.

Scott Stanton of Dasco Signs representing Cafua Management is requesting an Area Variance pursuant to Village Code Section 190-92-L. Mark explained that he believed that the second wall sign located

over the side entrance does not need a variance. He then read sections of the sign code to illustrate his point. Board asked C. Johnson to explain the sign code. Johnson stated that there is nothing in the code preventing the placement of signs on other than those facades that face a public way. He stated that it has been the Village's history to place wall signs only on facades that face a public way (street). Johnson stated that the area of the 2 wall signs meets the sign code and it is only due to the second sign being placed on the bumped out entry vestibule that creates the sign exceeding the 5% of wall area. M. Tobin stated that the Village code states that wall signs are to be placed on facades parallel to public ways. Further Board discussion and questions ensued.

A motion was made by S. Tolan and seconded by P. Brennen to approve the requested Area Variance for the wall sign that is 8.6% of the wall area where 5% is permitted to be located at the side entrance.

A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, S. Tolan-Aye, P. Brennan-Aye, M. Donohoe-recused. Motion carried.

The applicant signed the sign posting affidavit.

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

A motion was made by S. Tolan and seconded by B. Kissack to adopt the applicant's responses as the basis for the Board's determination.

A roll call vote was taken: H. Besanceney-Aye, B. Kissack-Aye, S. Tolan-Aye, P. Brenna-Ayen, M. Donohoe-Aye. Motion carried.

A motion to adjourn the meeting at 7:55 p.m. was made by B. Kissack and seconded by M. Donahoe. Motion carried.

Respectfully submitted,
Charlie Johnson