

**Town of Groveland  
4955 Aten Rd.  
Zoning Board Minutes  
April 15, 2019  
7:00 to 8:20 PM**

Members Present:

Courtney Burnette, Chair  
Rick Sleggs  
Pattie Johnston  
Peter Dolan

Code Officer:

Ron Maxwell

Applicants/Representatives/Public:

Amanda & Doug Mothersell (CUP)  
Tom & Mary Alice May (CUP)  
Jaime Brothers (CUP)

Excused: William Magee

Absent: Phil Livingston, Jr.

**1. CALL TO ORDER:**

The scheduled Zoning Board meeting was opened at 7:00 PM by the Chair, Courtney Burnette. Phil Livingston, Jr. was absent, and William Magee had notified the Secretary that he was unable to attend. There was a quorum for the meeting.

**PUBLIC HEARINGS:**

**Chair Burnette opened the Public Hearing (attachment) by reading aloud the legal notice. Permits to be considered are as follows:**

**2. Douglas Mothersell is requesting a Conditional Use Permit Renewal for his Twisted Willow Metal Fabrication shop, 5537 Crossett Rd., Tax Map #99.-1-1.2.**

Chair Burnette invited the applicant to speak about his renewal application.

Douglas Mothersell said his shop is doing very well and is fully operational. He expressed his gratitude to the Town for granting his permit in 2015. He and his wife also appreciate living where they do. He would like to request a permanent Conditional Use Permit.

CEO Maxwell reported there have been no problems with this application. Chair Burnette opened the discussion among board members present. A question was asked whether this permit would be granted to Mr. Mothersell himself or to the property where the shop was located. CEO Maxwell said that technically the CUP is filed with the County and goes with the property. An option would be to put shop/business ownership on the deed when the property is sold. D. Mothersell felt that this was a good idea and would help prevent the property from becoming unsightly if sold.

Chair Burnette stated that this is considered a Type II action under SEQR [(c) 32] and is not subject to review. This Permit was not sent to the County as it is a renewal.

**Rick Sleggs made the MOTION to grant Douglas Mothersell a permanent Conditional Use Permit for his Twisted Willow Fabrication Shop, 5537 Crossett Rd., Tax Map #99.-1-1.2, for such time as he is the owner.**

**Peter Dolan SECONDED the motion.**

**All in favor: Courtney Burnette, Peter Dolan, Pattie Johnston, and Rick Sleggs.**

**Opposed: None.**

**Abstained: None.**

**MOTION PASSED.**

The Mothersells thanked the board members and left the Public Hearing.

**3. Louis and Jaime Brothers are requesting a Conditional Use Permit Renewal for Upstate Wheels, 7497 Route 63, Groveland Station Rd. 1, Groveland, Tax Map #135.16-1-6.**

Chair Burnette noted that no one was present yet for the Upstate Wheels renewal. Board members will consider Upstate Wheels later in the evening.

**4. Burnette's Conditional Use Permit Renewal for Storage Units located at 4914 Dennison Road, Tax Map ##118.-1-7.112.**

Courtney Burnette asked Zoning Board members for their opinions about considering the storage unit Conditional Use Permit as permanent. CEO Maxwell explained the reasoning for permanency; it deals with building structures. He added that there have been no complaints.

C. Burnette said the mini-storage units number 28, but there is also outside storage (which was added at a later date. Electric is there but no water or sewer. Board members again discussed a permit unique to the land owner vs belonging to the property (as was the case with Mothersell). After some discussion, the following actions were taken:

This is considered a Type II action under SEQR [(c) 32] and is not subject to review. It was not sent to the County as it is a permit renewal.

**Peter Dolan made a MOTION to grant the Burnette Conditional Use Permit for the 28 mini-storage units at 4914 Dennison Rd., Tax Map #118.-1-7.112 as permanent. However, any changes to the outside storage area will trigger an appearance before the Zoning Board again.**

**Pattie Johnston SECONDED the motion.**

**All in favor: Peter Dolan, Pattie Johnston, and Rick Sleggs.**

**Opposed: None.**

**Abstained: Courtney Burnette.**

**MOTION PASSED.**

**5. Tom and Mary Alice May are requesting renewal of their Dock and Mooring Permit for TMT Ventures (Beachcomber), 5909-11 West Lake Rd., Conesus, Tax Map #109.44-1-19.1.**

Tom May said there are essentially no changes other than new docks were to be put in. CEO Maxwell reported that there have been no issues.

Chair Burnette stated that this is considered a Type II action under SEQR [(c) 32] and is not subject to review. This Permit was not sent to the County as it is a renewal.

**Pattie Johnston made the MOTION to grant Tom and Mary Alice May (TMT Ventures/Beachcomber) a three-year renewal of their Dock and Mooring Permit, 5909-11 West Lake Rd., Conesus, Tax Map #109.44-1-19.1.**

**Peter Dolan SECONDED the motion.**

**All in favor: Courtney Burnette, Peter Dolan, Pattie Johnston, and Rick Sleggs.**

**Opposed: None.**

**Abstained: None.**

**MOTION PASSED.**

**(3.) Cont'd. Louis and Jaime Brothers are requesting a Conditional Use Permit for Upstate Wheels, 7497 Route 63, Groveland Station Rd. 1, Groveland, Tax Map #135.16-1-6.**

Since some time had passed, CEO Maxwell phoned Jaime Brothers, who has now joined his father's business. J. Brothers then arrived at the meeting at 7:30 PM on crutches, having injured himself that afternoon. The above Permit with its time length was discussed briefly. CEO Maxwell said there have been no issues/complaints. J. Brothers said that the business has not changed, other than the fact he has been added. Because of his addition, it was decided to shorten the renewal period slightly.

Chair Burnette then stated that this is considered a Type II action under SEQR [(c) 32] and is not subject to review. The Permit was not sent to the County as it is a renewal.

**Rick Sleggs made the MOTION to grant Louis and Jaime Brothers a two-year renewal of the Upstate Wheels Conditional Use Permit, 7497 Route 63, Groveland Station Rd. 1, Groveland, Tax Map #135.16-1-6.**

**Pattie Johnston SECONDED the motion.**

**All in favor: Peter Dolan, Pattie Johnston, Courtney Burnette, and Rick Sleggs.**

**Opposed: None.**

**Abstained: None.**

**MOTION PASSED.**

Chair Burnette asked for a motion to close the Public Hearings.

**Peter Dolan made the MOTION to close the Public Hearings at 7:50 PM.**

**Rick Sleggs SECONDED the motion.**

**All in favor: Peter Dolan, Pattie Johnston, Courtney Burnette, and Rick Sleggs.**

**Opposed: None.**

**Abstained: None.**

**MOTION PASSED.**

**6. REVIEW of the September 17, 2018, UNAPPROVED ZONING BOARD MINUTES.**

Chair Burnette asked that board members review the above minutes. This was done. Rick Sleggs said he had checked out the LED light issue now considered under SEQR; it involves frequency which has proven to be disturbing and distracting.

**Rick Sleggs made the MOTION to approve the September 17, 2018, Zoning Board Minutes as presented.**

**Peter Dolan SECONDED the motion.**

**All in favor: Pattie Johnston, Rick Sleggs, Peter Dolan, and Courtney Burnette.**

**Opposed: None.**

**Abstained: None.**

**MOTION CARRIED.**

**7. OTHER BUSINESS/ANNOUNCEMENTS.**

Chair Burnette updated board members present on the legal discussion of Dock and Mooring Permits. She asked if there were other announcements.

Members discussed the probable opening of a store at Groveland Corners (where there had been a bank at one time). The plan is to sell ice cream and drinks possibly.

**8. ADJOURNMENT.**

There being no other business or announcements, the Chair called for a motion to adjourn.

**Peter Dolan made the MOTION to adjourn the Zoning Board meeting at 8:05 PM.  
MOTION CARRIED.**

**Pattie Johnston SECONDED the motion.**

**All in favor: Pattie Johnston, Rick Sleggs, Peter Dolan, and Courtney Burnette.**

**Opposed: None.**

**Abstained: None**

**MOTION CARRIED.**

Respectfully submitted,

Diane McMullan, Secretary  
Zoning Board  
Town of Groveland

dmm  
Attachment

**PUBLIC HEARING NOTICE  
TOWN OF GROVELAND**

Notice is hereby given that the Zoning Board will hold a Public Hearing in the Town of Groveland on Monday, April 15, 2019, starting at 7:00 p.m. at the Groveland Town Hall, 4955 Aten Road, Groveland NY. At this time the following applications will be considered.

CONDITIONAL USE PERMIT for Twisted Willow Fabrication Shop, 5537 Crossett Rd., Geneseo, Tax Map #99.-1-1.2, submitted by Douglas Mothersell.

CONDITIONAL USE PERMIT for Upstate Wheels for used car sales, 7497 Route 63, Groveland Station, Tax Map #135.16-1-6, submitted by Louis Brothers.

CONDITIONAL USE PERMIT for storage units at 6661 Groveland Hill Rd., Groveland, Tax Map #118.-1-7.112, submitted by Seth Burnette.

DOCK and MOORING PERMIT for the Beachcomber, 5909 West Lake Rd., Conesus, Tax Map #109.44-1-19.1, submitted by Thomas and Mary Alice May (TMT Ventures, LLC).

At the above time, at this public hearing, the Zoning Board will hear any person or persons in support or in opposition to the above applications. Anyone wishing to express an opinion in writing may also do so. The file can be viewed in the Town Clerk's office located at 4955 Aten Road, Groveland NY 14462 during regular office hours.

Courtney Burnette, Chair  
Zoning Board

Run Dates: March 28 & April 4, 2019