

**Zoning Board Minutes
Town of Groveland
4955 Aten Rd.
Monday April 19, 2021 at the Town Hall**

Members Present: Code Officer: Ron Maxwell
Rick Sleggs
Pattie Johnston Applicants:
Phil Livingston- Alternate Terri Rider
Mark Hamby
Others Present:
Members of Community

Absent: William Magee, Pete Dolan Courtney Burnette

CALL TO ORDER.

Pattie Johnston called the meeting to order at 7:04 PM. There was a quorum present. Town Clerk Burgess began the meeting by reading aloud the Public Hearing Announcement for Rider and Hamby variances. The Public Hearing had appeared in the Livingston County News on April 8, 2021. It was stated by Code Officer Maxwell that Hamby's variance public hearing notice stated 60 feet and it should have been listed as 75 feet, as listed on the denial of the application.

PUBLIC HEARING: Rider.

Pattie Johnston invited Terri Rider to come forward and speak about the Front yard setback variance that did not meet code.

Ms. Rider explained to the board and the community members in attendance that it was her wish to place a 25' x 40' addition on her home to enable her to have a first floor bedroom and bathroom along with other planned home improvements. There is not an issue with the side yard setback but due to age of her home and placement it would require a front yard variance. Ms. Rider received verbal approval from neighboring properties along with written that she provided to the board that stated no objection to the addition.

Pattie Johnston read aloud the approval of 3 neighboring properties to proposed variance.

The board reviewed the 5 questions and included in file:

- 1. Will an undesirable change be produced in the character of neighborhood, or will a detriment to nearby properties be created by granting the variance?- No, existing house currently there.*
- 2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance?- No, not enough room in back and side opposite side would require setback variance as well.*
- 3. Is the requested variance substantial?- Yes, considering placement of property.*
- 4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?- No, addition to residence in residential area.*

5. *Is the alleged difficulty self-created?- Yes, do not have to have addition.*

Pattie Johnston read the read the SEQR Type II action which applies as follows: *(#(11)- construction or expansion of a single family, a two family or a three family residence on an approved lot including the provision of necessary utility connections as provided in paragraph (13) of this subdivision and the installation, maintenance or upgrade of a drinking water well or a septic system or both, and conveyances of land in connection therewith.*

The variance request has been sent to Livingston County Water and Sewer Authority (LCWSA). County Planning had also considered each variance requests a matter of “local option.”

Rick Sleggs made the motion to approve the 23 ft. front yard area variance

Phil Livingston seconded the motion.

All in favor: Pattie Johnston-AYE, Rick Sleggs-AYE, Phil Livingston – AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

The necessary form was signed and was given to the Town Clerk to be processed.

PUBLIC HEARING: Hamby.

Pattie Johnston asked Code Officer Maxwell to introduce Mr. Hamby’s variance request. Code Officer Maxwell introduced the variance request due to the fact Town Zoning does not require a variances for stairs/ landings open to the sky but because Mr. Hamby wishes to place a roof above the landing, it now requires it to meet zoning setback regulations requiring a variance.

Mr. Hamby stated he wishes to construct a 3’ x 8’ concrete slab landing with a 25” roof overhang on the road side door of the house.

Neighboring members of the community were present for the public hearing and raised concerns with the variance requested.

Mr. Kronthaler gave his approval for Mr. Hamby’s original variance as it was stated verbally Mr. Hamby’s new construction and Mr. Kronthaler’s building would be in line with each other. They are not, now the Hamby property is 2 feet closer to the road. Mr. Kronthaler presented pictures to the board showing the current structure that block his view now as the build is so sizeable. Currently there are 3 residences located on the property and Mr. Kronthaler inquired as to allowing for 3 residences as it has been advertised online for rent on Air BnB.

Code Officer Maxwell stated that when the original variance was approved, what was referred to as the “pro shop” needed to have the kitchen removed and power was to be fed from the original house as only 2 residences are allowed. Livingston County Water and Sewer Authority would have to decide how they would address their service to the property as they have jurisdiction regarding sewer.

Mr. Hamby clarified that he has lived at the property since September and that there are only 2 residences on the property.

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A question regarding security lighting was asked to Code Officer Maxwell regarding code requirements. It was answered that there is nothing in the Town Zoning or NYS Building Code that regulates security lighting for residential homes.

Mr. Kronthaler brought up an issue of parking and no parking along West Lake Road in the area where Sutton Point exits. The State had no parking sign in the area where a dumpster has been placed when Mr. Hamby had during the main portion of his construction. If a second variance was given where Mr. Hamby park vehicles as there is no parking and there would not be enough room as shown to the board in the picture, as there is a fence currently there.

Ms. Vanderbilt stated that parking is already an issue anything in addition would obscure vision pulling out of Sutton Point.

MS. Raschi lives across the street from the property where the variance is requested and she now has issues getting out of her driveway. Ms. Raschi made an appointment and spoke with a DOT representative regarding the permitted parking in that area along West Lake Road. It was stated to her that it would not be allowed. There also is a stated marker there that would remain and not be removed. Ms. Raschi is concerned that with more Air BnB's causes more traffic, which is more places to park in an already congested area. This has caused the safety on the lake to change immensely.

Mr. Saviola stated he is neighboring to requested variance property and gave background on if anyone tried to utilize GPS what direction GPS would bring you to on Sutton Point as an entrance and exit. Mr. Saviola stated there are a minimum of 9 families that entering and exiting Sutton Point as it is a passing zone as well in the location of Mr. Hamby's property an can be dangerous as he hears the "rumble strips" on the road to remind drivers to pay attention to their location numerous times daily. It is Mr. Saviola's understanding that Mr. Hamby must show a hardship from construction to require a variance. Mr. Saviola inquired what is required by NYS Code for a terrace.

Code Officer Maxwell responded a 3' x 3' landing is the only requirement, no roof just the landing.

Mr. Saviola requested to the board that if a variance was granted that conditions were set in the variance regarding parking along West Lake Road. Members of the community agreed with Mr. Saviola.

ZBA member Livingston stated the ZBA issue was regarding the variance is the roof overhang and landing and that the parking issue would be handled by law enforcement. The ZBA had no enforcement measure as it relates to parking.

ZBA member Livingston inquired with Mr. Hamby if there would be any post to the roof. Mr. Hamby answered no.

Mr. Pickney inquired if the door was just a fire door for NYS building Code.

Code Officer Maxwell stated that this door is not the main entrance to the home, and was not a requirement made due to NYS Building Code as the house already met egress for the area in that room.

Mr. Hamby stated to the members of the community and the board it is his intention to landscape around the area and make it look nice and wanted to do the roof over hang over the terrace because it would look more ethically pleasing. Mr. Hamby agreed with the concern as it

APPROVED

relates to the parking and does not want any issues with the neighboring properties but if a car fits along the fence he does not see an issue as it relates to parking.

ZBA member Johnston read aloud Mr. Pettis's email as a member from the community to the board and began the 5 questions:

1. *Will an undesirable change be produced in the character of neighborhood, or will a detriment to nearby properties be created by granting the variance? Yes, visibly make it closer to the road than any adjacent properties*
2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes, Do not cover with roof.*
3. *Is the requested variance substantial? Yes, over 50%, variance on an approved variance*
4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes, moving closer to the road with residence concern of traffic issues already.*
5. *Is the alleged difficulty self-created? Yes, roof is not required per NYS Building Code.*

Pattie Johnston read the SEQR II action which applies as follows: *(#12)- construction or expansion or placement of minor/accessory/ appurtenant residential structure, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.*

The variance request has been sent to Livingston County Water and Sewer Authority (LCWSA). County Planning had also considered each variance requests a matter of "local option."

Rick Sleggs made the motion to deny the a 26 ' + or- front yard area variance and 2 '+ or - south side yard area variance, Phil Livingston seconded the motion.

All in favor: Pattie Johnston-AYE, Rick Sleggs-AYE, Phil Livingston – AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

The necessary form was signed and was given to the Town Clerk to be processed.

Rick Sleggs made the motion to close the public hearings Pattie Johnston seconded the motion.

All in favor: Pattie Johnston-AYE, Rick Sleggs-AYE, Phil Livingston – AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

APPROVED

CONSIDER ZONING BOARD PAST MINUTES FROM FEBRUARY 16, 2021.

The above was next considered for approval/comments.

Phil Livingston made the motion to approve the minutes as presented, Rick Sleggs seconded the motion.

All in favor: Pattie Johnston-AYE, Rick Sleggs-AYE, Phil Livingston – AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

ADJOURNMENT. *There being no further business to conduct, Pattie Johnston adjourned the meeting at 8:18 PM.*

Phil Livingston made the motion to adjourn the meeting. Rick Sleggs seconded the motion.

All in favor: Pattie Johnston-AYE, Rick Sleggs-AYE, Phil Livingston – AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

Submitted by,

Kimberly Burgess
Town Clerk