

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
July 20, 2020
7:10 to 8:40 PM**

Members Present:	Code Officer:	See attached sign-in sheet for all the public in attendance.
Courtney Burnette, Chair	Ron Maxwell	
Rick Sleggs		
Peter Dolan	Applicants:	
William Magee	Helen Linda Kanaley, variance	
Phil Livingston, Jr., alternate	Steven Eisenberg, variance	

Excused: Pattie Johnston

1. CALL TO ORDER.

Courtney Burnette, Zoning Board Chair opened the meeting at 7:10 AM as a quorum of members were present. Pattie Johnston had called to say she was unable to attend the meeting this evening; Phil Livingston, alternate, was in attendance.

Chair Burnette announced that James A. Miller's 7:00 PM Public Hearing had been cancelled. The applicant had withdrawn his request for a variance. Zoning Board members were asked to review the June minutes while waiting to begin the first public hearing.

2. PUBLIC HEARING: Kanaley

Chair Burnette began the Public Hearing at 7:20 PM and read aloud the legal notice for the hearing (attached). She invited Helen Linda Kanaley to speak about the request for a front yard setback of 25 feet from the centerline of highway route 256. This would occur should there be a possible setback intrusion while removing an existing shed and constructing a single garage addition to an existing two-car garage. Her neighbor was also in attendance and said he had no objection; he also had done construction. The existing structure is located in the state right-of-way and she wishes to remove it.

After the applicant explained the above, Chair Burnette proceeded with the five questions necessary in considering the granting of an area variance.

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. This action makes the view existing the driveway better without the current existing structure. It also takes the building out of the state right-of-way.

2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*

No. The current structure is in the state right-of-way.

3. *Is the requested variance substantial?*

No. It is less than 50%.

4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

No. It matches the existing area.

5. *Is the alleged difficulty self-created?*

No. The structure cannot be rebuilt in the existing footprint.

Chair Burnette read the SEQR II action which CEO Maxwell had selected for this variance which applies as follows: #(12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds, or other buildings not changing land use or density; and/or #(14) installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites.

CEO Maxwell announced that all variances considered this evening had been sent to Livingston County Water and Sewer (approved) in addition to County Planning (considered "local option"). There were no complaints received.

At this point in the hearing Scott Woodworth of 5903 W. Lake Rd., Conesus, spoke. He wanted to comment on a decision made to not approve his 2016 variance. He had been told the ZBA decision was made to help "reduce congestion on the lake." He felt the consideration of the Kanaley variance was going to clearly be an exception regarding lake congestion. CEO Maxwell said the Woodworth intended structure would have been an entirely new one. Chair Burnette said that tonight's structure would be smaller and would be in compliance with zoning. Several other zoning board members spoke, saying that the Kanaley building would be safer out of the right-of-way where it is not allowed, that less lake congestion was not the only ZBA consideration, and that the Woodworth variance had already been decided by the court. CEO Maxwell said that the ZBA is not a precedent-setting board.

Phil Livingston, Jr. made the motion to grant the 25-foot front yard setback variance to Helen Linda Kanaley, 5875 West Lake Rd., Conesus, tax map #109.44-1-9.1.

Peter Dolan seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

Chair Burnette next requested a motion to close the hearing.

Chair Burnette requested a motion to close the hearing to allow for the next one.

William Magee made the motion to close this hearing at 7:40 PM.

Phil Livingston, Jr. seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

Chair Burnette signed the variance approval and passed it to other board members. CEO Maxwell asked H.L. Kanaley and the contractor for drawings as they left the Town Office.

3. PUBLIC HEARING: Abbott

Chair Burnette opened the Richard E. Abbott Public Hearing and read the notice aloud.

The variance was for a 21-foot front yard setback variance for property located at 5729 West Lake Rd., tax map #109.27-1-2. The purpose of the variance is in order to construct a new two-car detached carport. There was no one attending for this hearing and Chair Burnette discussed whether to wait for anyone to arrive. Board members decided to hold the Public Hearing open until someone arrived. The Secretary had sent a letter, an email and had spoken with R. Abbott earlier in the afternoon.

Phil Livingston, Jr. made the motion to hold the Richard E. Abbott Public Hearing open for a time, hoping he would arrive.

Rick Sleggs seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

At 7:55 PM, William Magee made the motion to table the Abbott Public Hearing until next month and proceed with the next hearing this evening at 8:00 PM.

Peter Dolan seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

4. PUBLIC HEARING: Eisenberg

Steven Eisenberg had already arrived for his Public Hearing this evening. CEO Maxwell said that the property was in the LR district, not the LSR. There was also a letter of support from Elizabeth Prince in the official file. S. Eisenberg said he does have a right-of-way to the lake. There are no close neighbors.

William Magee made the motion to open the Steven Eisenberg Public Hearing at 8:00 PM.

Rick Sleggs seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

The variance request was submitted by Steven Eisenberg of 225 Winley Chase Ave., N. Las Vegas, NV 89032, requesting a 14+/- foot front yard setback variance for residential property located at 6120 West Lake Rd., tax map #109.-1-42. He wishes to replace and enlarge an existing deck. It will make the entrance to the residence usable.

After the applicant explained the above, Chair Burnette proceeded with the five questions necessary in considering the granting of an area variance.

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. This action makes the deck functional.

2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*

No. The current deck needs to be replaced.

3. *Is the requested variance substantial?*

No. It is less than 50%.

4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

No. It will improve the property and will not change the natural flow of water.

5. *Is the alleged difficulty self-created?*

Yes. Mr. Eisenberg wishes to expand his deck.

Chair Burnette read the SEQR II action which CEO Maxwell had selected for this variance which applies as follows: #(12) construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds, or other buildings not changing land use or density; and/or #(14) installation of solar energy arrays where such installation involves 25 acres or less of physical alteration on the following sites.

Phil Livingston, Jr. made the motion to grant the 14+/- foot front yard setback variance for residential property located at 6120 West Lake Rd., tax map #109.-1-42, in order to construct a 11' x 15' deck.

William Magee seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

Peter Dolan made the motion to close this hearing at 8:15 PM.

William Magee seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

Chair Burnette signed the variance and passed it to other Zoning Board members to also sign.

5. Consider Zoning Board Past Minutes from June 15, 2020.

The above had been considered for approval/comment at the beginning of the meeting.

William Magee made the motion to approve the above minutes as presented.

Peter Dolan seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston-AYE, William Magee,-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

6. Other Business/Announcements.

CEO Maxwell said Jacob Wengerd will be coming back to renew his conditional use permit at the August 17th meeting. The Abbott Public Hearing will follow that. Board members discussed requesting applicants to stake out property for variances. Should this not be done and if they fail to attend their hearing, their variance may be denied and/or hearing postponed. The Secretary will include this wording in a letter to the applicant.

Chair Burnette then spoke about a matter she had been requested to discuss with board members. There had been a large flood earlier in the month that had washed out much of Ken Partridge's property including his entire driveway. This was discussed as there is a water issue around the Partridge house. The water runs down Bath Road.

7. Adjournment.

Lacking further announcements or business, Chair Burnette requested a motion.

William Magee made the motion for adjournment at 8:40 PM.

Peter Dolan seconded the motion.

All in favor: Courtney Burnette-AYE, Phil Livingston, Jr.-AYE, Peter Dolan-AYE, and Rick Sleggs-AYE.

Opposed: None.

Abstained: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Planning/Zoning Boards

dmm

Attachments: 1) Public Hearing Notices
2) Public Hearing Attendance Sign-In Sheets

**PUBLIC HEARINGS NOTICE
TOWN OF GROVELAND**

Notice is hereby given that the Town of Groveland **Zoning Board of Appeals** will hold four Public Hearings at the Groveland Town Office on Monday, July 20, 2020, starting at 7:00 p.m.

At the time of 7:00 PM, an application by James A. Miller of 8 Highview Terr., Rochester 14624, will be considered for the following variances: a 35-foot front yard setback, a 14-foot side yard setback, and a 20-foot rear setback located at 5510 West Lake Road, Conesus, tax map #100.59-1-3. The purpose is to add on a covered porch to the existing structure.

At 7:20 PM, following the above Public Hearing, the **Zoning Board of Appeals** will hold a second Public Hearing for an application by Helen Linda Kanaley, 5875 West Lake Rd., Conesus, tax map #109.44-1-9.1, requesting a (possible) intrusion upon the required front yard setback of 35 feet from the centerline of highway route 256. This intrusion would require a setback variance. The purpose is to remove an existing shed and construct a single garage addition to an existing two-car garage.

At 7:40 PM, at the next Public Hearing, the **Zoning Board of Appeals** will hear an application by Richard E. Abbott requesting a 21-foot front yard setback variance for property located at 5729 West Lake Rd., tax map #109.27-1-2. The purpose of the variance is in order to construct a new two-car detached carport.

At 8:00 PM, the final Public Hearing by the **Zoning Board of Appeals** will be held to hear an application from Steven Eisenberg, 225 Winley Chase Ave., N. Las Vegas, NV 89032, requesting a 14+/- foot front yard setback variance for residential property located at 6120 West Lake Rd., tax map #109.-1-42,. The purpose is to replace and enlarge the existing deck.

Beginning at the above times, at these public hearings, the Zoning Board will hear any person or persons in support of, or in opposition to, said applications. Applicants and those present for a particular hearing are asked to wait until the time of their public hearing to enter the Town Office. The public is asked to cooperate with this social distancing effort.

Anyone wishing to express an opinion in writing may also do so. The variance application files may be viewed in the Town Clerk's office located at 4955 Aten Road, Groveland NY, 14462, during the normal office hours. Please call 585-243-1750 first.

Courtney Burnette, Chair
Zoning Board of Appeals

LCN Run Date: July 9 & 16, 2020

APPROVED

TOWN OF GROVELAND ZONING BOARD PUBLIC HEARINGS

Please note the originally scheduled 7 PM Miller Hearing has been cancelled. Applicant
withdrew their request.

PLEASE SIGN IN

DATE: July 20, 2020

LOCATION: Groveland Town Hall

SIGNATURE	PRINT NAME	ADDRESS/ZIP CODE
1. <i>[Signature]</i>	H & J & a raley	5875 westlake Conover
2. <i>[Signature]</i>	New WILDELL	5860 W. LAKE, Conover
3. <i>[Signature]</i>	SCOTT WOODWORTH	5903 W. LAKE Conover
4. <i>[Signature]</i>	Steve Eisenberg	76120 W Lake Conover
5. <i>[Signature]</i>	Luz Giesenberg	6120 W. Lake Rd Conover
6.		
7.		
8.		
9.		
10.		

(OVER)

Town of Groveland Zoning Board

ATTENDANCE

Date: July 20, 2020

Sign-In

1. Pete Dalton
2. Rick Seggs
3. Bill Magee
4. Phil Livingston
5. County Board
6. _____
7. _____