

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
June 15, 2020
7:05 to 8:25 PM**

Members Present:

Courtney Burnette, Chair
Rick Sleggs
Pattie Johnston
Peter Dolan
William Magee
Phil Livingston, Jr., alternate

Code Officer:

Ron Maxwell

Applicants:

Robert McTarnaghan
Mark Hamby (with Chuck Smith)

1. CALL TO ORDER.

The scheduled Zoning Board meeting was opened at 7:05 PM by the Chair, Courtney Burnette. There was a quorum for the meeting with all members and alternate in attendance. Chair Burnette proceeded with the first Public Hearing.

PUBLIC HEARING: McTarnaghan

Chair Burnette began the Public Hearing at 7:05 PM and read aloud the legal notice (attached). She invited Robert McTarnaghan to speak about his request for a 25-foot front setback variance. This would place his structure approximately 20 feet closer to the road. This new structure would then fail to meet section 28 (LR District) due to the front yard then having a depth less than 100 feet measured from the centerline of the improved pavement of West Lake Road. R. McTarnaghan said he wishes to minimize excavation and disturbance of the site with this variance. He believed this action would reduce the building excavation by 75%; Mark Gove had come out to look at the site and agreed that minimization is better. R. McTarnaghan said that David Livingston, his neighbor, had no objections.

Chair Burnette asked members if there were any comments. Nothing had been received in the office and CEO Maxwell reported that the sign for a public hearing had been displayed on site.

The five questions were then read aloud by Chair Burnette and discussed and answered by Zoning Board members.

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. It will be less impact on the watershed.
2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*
No. It is not possible without extensive excavation.
3. *Is the requested variance substantial?*
No. It is only 25%.
4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

No. There is already a large embankment toward the road and the lot is very substantial.

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

Yes. It is the applicant's choice to build a house.

Regarding SEQR, it is a type II action and Chair Burnette read what CEO Maxwell had selected: *#(17) The granting of an area variance for a single family, two-family or three-family residence.*

There being no additional discussion, Chair Burnette requested a motion to close this Public Hearing.

William Magee made a motion to close the Public Hearing at 7:15 PM.

Peter Dolan seconded the motion.

AYES in favor: Courtney Burnette, Pattie Johnston, William Magee, Peter Dolan, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

Chair Burnette requested a motion regarding the variance.

Rick Sleggs made the motion to grant Robert McTarnaghan's request for a 25-foot front yard setback variance allowing his structure to be approximately 20 feet closer to the road (West Lake Road, tax map #109-1-37).

Pattie Johnston seconded the motion.

AYES in favor: Courtney Burnette, Pattie Johnston, William Magee, Peter Dolan, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

2. PUBLIC HEARING: Hamby

Chair Burnette opened the next public hearing and invited Mark Hamby to explain his request for several variances: (1) 3-foot side yard setback and (2) a 29.5-foot front yard setback. An old garage located 12 inches from the property line at its closest point will be removed. An existing cottage will be converted to a storage building and a new structure built for a residence requiring these two variances.

CEO Maxwell began speaking about these variances. Mark Hamby, along with Chuck Smith, architect from Innovative Designs, supplied various photos and diagrams for the zoning board members. Several views of the house and the surrounding area (including his neighbor) were shown. The Hamby's intend to greatly improve and enhance the value of the property. They will also insure fire prevention. There will be lots of greenspace and no tenants will occupy the separate structure; it will be for family and family visitors. It can be considered a "bunkhouse" with no utilities in the winter; it is on the same meter as the house and it has no kitchen. Richard Kronthaler, a neighbor, had no objection to the construction, and a copy of his letter is in the office file. There is a neighbor with a deck against the Hamby property but there will be a privacy wall and a signed agreement allowing this. There is 50-foot frontage; lot coverage is quite a bit under what is allowed.

The garage does require a front yard variance. Greg Smith said he has worked with many municipalities and has found CEO Maxwell to be “the best;” he is “very pleased to be working with him.”

Chair Burnette read the five questions, and these were discussed and answered by Zoning Board members.

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. The new house will improve the property
2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*
No. The new structure is being moved further from the property line.
3. *Is the requested variance substantial?*
Yes. It is over 50%.
4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*
No. The structures will be further apart.
5. *Is the alleged difficulty self-created?*
Yes. The applicant is building a new house.

Chair Burnette read the SEQR II actions which CEO Maxwell had selected which could apply as follows: *#(17) The granting of an area variance for a single family, two-family or three-family residence.* There being no additional discussion, the Chair requested a motion to close.

William Magee made the motion to close the Mark and Deborah Hamby Public Hearing at 7:45 PM.

Peter Dolan seconded the motion.

AYES in favor: Courtney Burnette, Pattie Johnston, William Magee, Peter Dolan, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

Chair Burnette next requested a motion for the variances.

Pattie Johnston made the motion to grant the 3-foot side yard setback variance and the 29.5-foot front yard setback variance to Mark and Deborah Hamby. The structure separate from the house will be considered a bunkhouse does not have a kitchen; it will be on the same utility meter as the main house.

Peter Dolan seconded the motion.

AYES in favor: Courtney Burnette, Pattie Johnston, William Magee, Peter Dolan, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

Both applicants had left the meeting and Chair Burnette proceeded with the agenda.

3. Consider Zoning Board Past Minutes from May 18, 2020 for approval/corrections, etc.

Chair Burnette requested corrections or comments on the above minutes presented. She requested that her Teeter final motion regarding the variance concerning residential solar panels be corrected to “abstain.”

William Magee made the motion to approve the amended May 18, 2020 Zoning Board minutes with Courtney Burnette’s final vote corrected to “abstained” regarding the 45-foot front yard setback variance for Stephen Teeter, 6651 Groveland Hill Rd.

Rick Sleggs seconded the motion.

AYES in favor: Courtney Burnette, Pattie Johnston, William Magee, Peter Dolan, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

Zoning Board members discussed procedures for the future whereby they could enter into Executive Session for additional discussion. Tabling a motion was also discussed as a possibility.

4. Other Business/Announcements.

Zoning Board members signed Teeter and McLaughlin paperwork for Public Hearings that were held virtually during the May 18, 2020 meeting. The Secretary said there will be a July 20th ZBA meeting. CEO Maxwell named the three variances requested thus far.

5. Adjournment.

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

William Magee made the motion for adjournment at 8:42 PM.

Peter Dolan seconded the motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Planning/Zoning Boards

dmm

Attachments: Public Hearing Notices

N.B. The Secretary sent the McTarnaghan and the Hamby variances to the County Planning Department; they were both considered “a matter of local option.” Official County Planning letters are pending but will be placed in the files when received.

**PUBLIC HEARING NOTICE
TOWN OF GROVELAND**

Notice is hereby given that the Town of Groveland **Zoning Board of Appeals** will hold a Public Hearing on Monday, June 15, 2020, starting at 7:00 p.m.

At the time of 7:00 p.m., an application by Robert McTarnaghan, P.O. Box 134, Geneseo, NY, will be considered for a 25-foot front yard setback variance on West Lake Road, tax map #109-1-37. The purpose is to locate a new structure, minimizing excavation and disturbance to the site.

Immediately following the above Public Hearing, the **Zoning Board of Appeals** will hold a second Public Hearing for an application by Mark and Deborah Hamby, 5629 West Lake Road, Conesus, NY, tax map #100.75-1-9, for a side yard 3-foot setback variance and a front yard setback variance of 29.5 feet. The purpose is to remove an existing old garage located 12 inches from the property line at its closest point. An existing cottage would be changed to a storage building and a new structure for residence requiring the variances.

Beginning at the above time, at these public hearings, the Zoning Board will hear any person or persons in support of, or in opposition to, said applications. 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 by calling 243-1750.

Courtney Burnette, Chair
Zoning Board of Appeals

Run Date: June 3 & 10, 2020