

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
May 18, 2020
ZOOM MEETING ID#93336456176
ZOOM Call In #1-646-876-9923
7:03 to 7:42 PM**

Members Present:

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

Code Officer:

Ron Maxwell

Town Supervisor:

William Carman

Applicants:

Charles McLaughlin (Dock & Mooring Permit)
Steven Teeter (Area Variance)

Town Clerk:

Kimberly Burgess

1. CALL TO ORDER.

The scheduled Zoning Board meeting was opened at 7:03 PM by the Chair, Courtney Burnette. The Secretary proceeded with roll call with the above verifying their attendance, having called in. There was a quorum for the meeting with Phil Livingston, alternate, also in attendance. The Town Clerk was also present on the call to facilitate the ZOOM process.

Chair Burnette proceeded with the first Public Hearing.

PUBLIC HEARING:

Chair Burnette began the Public Hearing at 7:04 PM and read aloud the legal notice (attached). She invited Charles McLaughlin to speak about his request. C. McLaughlin said this is a renewal Dock and Mooring request. Chair Burnette asked members if there were any comments. The Town Clerk was asked if any issues had been submitted to the Town Office; there were none. Chair Burnette then explained that this permit was allowed and requested a motion. The Secretary requested a motion with the time span included.

Phil Livingston made the motion to grant a renewal of Charles McLaughlin's Dock and Mooring Permit. The Permit will be for three years.

Pattie Johnston seconded the motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

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

Peter Dolan made a motion to close the Public Hearing at 7:12 PM.

William Magee SECONDED the Motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

Chair Burnette said Mr. McLaughlin could leave the meeting at this point, or stay, if he wished.

2. PUBLIC HEARING:

Chair Burnette invited Steven Teeter to explain his request for a 40-foot front yard variance. The property is a corner lot with two front yards – this request is due to the fact the solar panel project fails to meet the 60-foot setback required in an R district, section 24.

S. Teeter explained his wish for a variance in order to place two solar units side by side on his property. Chair Burnette asked about the dimensions of the panels. P. Dolan said he had driven by the property and asked if the units could be placed on Mr. Teeter's garage roof. Other members had questions about whether this would be viewed by neighbors.

The applicant said the panels are 12 feet wide and 36 feet 4 inches apart. He was advised by the company he was purchasing from that placement on a roof was not advisable due to the possibility of a fire at some point. It was also discussed that a roof might someday need repair/replacement. The Town Clerk was asked if there were any comments received at the Town Office; there were none and no complaints from neighbors came in.

CEO Maxwell said the variance was actually 45-foot after re-measuring the site. Setback from the rear property line is 10 feet but that is not a problem.

Discussion among board members continued. The area but be mowed, said CEO Maxwell and Supervisor Carman. Board members felt that, therefore, the panels would not be considered a structure.

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. There will not be solar panels directly across from a neighbor's view.

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

No. Other locations are not advisable/safe.

3. *Is the requested variance substantial?*

Yes. Forty-five feet setback is substantial.

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

No.

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

Yes.

Chair Burnette read the SEQR II actions which CEO Maxwell had selected which could apply 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. . .

William Magee made the motion to grant the 45-foot front yard setback variance to Stephen Teeter, 6651 Groveland Hill Rd., tax map #118-1-42.

Phil Livingston, Jr. seconded the motion.

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

Opposed: None.

Abstained: Courtney Burnette

MOTION PASSED.

Chair Burnette next requested a motion to close the hearing.

William Magee made the motion to close this hearing at 7:36 PM.

Peter Dolan seconded the motion.

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

Opposed: None.

Abstained: Courtney Burnette

MOTION PASSED.

Chair Burnette suggested the variance be signed at the next ZBA meeting by the Secretary and ZBA members.

The Secretary had sent this variance request to the County Planning Department; it was considered "a matter of local option."

CEO Maxwell confirmed with the ZBA members that he could issue a permit.

3. Consider Zoning Board Past Minutes from November 18, 2019 for approval/corrections.

Chair Burnette noted a numbering error in the above minutes.

Pattie Johnston made the motion to approve the above minutes with the numbering correction on page 2.

Phil Livingston, Jr. seconded the motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

4. Other Business/Announcements.

Trainings that had been cancelled due to the COVID-19 pandemic were mentioned.

5. Adjournment.

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

William Magee made the motion for adjournment at 7:42 PM.

Phil Livingston seconded the motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

Respectfully submitted,

Diane McMullan, Secretary
Planning/Zoning Boards

dmm

Attachments: Public Hearing Notice

**PUBLIC HEARING NOTICE
TOWN OF GROVELAND**

Notice is hereby given that the **Town of Groveland Zoning Board** will hold a Public Hearing on Monday, May 18, 2020, starting at 7:00 p.m. Due to precautions being taken by the Town of Groveland during the COVID-19 pandemic, this public hearing will be held remotely via ZOOM and not in person.

This is in accordance with Governor Cuomo's Executive Order 202.1. This public hearing can be joined on the above date and time via zoom teleconference by dialing +1 646 876 9923 US (New York). The meeting ID # is 933 3645 6176.

At the time of 7 PM, an application by Charles McLaughlin of 5675 West Lake Rd., Conesus, NY, will be considered for a Dock and Mooring Permit.

Immediately following the above public hearing, the Zoning Board will hold another public hearing. An application for installation of a residential solar array for Stephen Teeter, 6651 Groveland Hill Rd., tax map #118.-1-42 will be considered for a 40-foot front yard variance. That is for property at a corner lot which has two front yards which fail to meet the 60-foot setback requirement.

At the above time, at these public hearings, the Zoning Board will hear any person or persons in support of, or in opposition to, either application. Anyone wishing to express an opinion in writing may also do so by May 15th. Either application file may be viewed in the Town Clerk's office located at 4955 Aten Road, Groveland NY, 14462, by calling 585-243-1750 to make an appointment.

Courtney Burnette, Chair
Zoning Board of Appeals