

Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
May 20, 2019
7:00 to 7:50 PM

Members Present:

Courtney Burnette, Chair
Rick Sleggs
Pattie Johnston
Peter Dolan
William Magee

Code Officer:

Ron Maxwell

Applicant:

Joseph LaGeorge (variance)

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. There was a quorum for the meeting.

2. PUBLIC HEARING:

Chair Burnette opened the Public Hearing by reading aloud the legal notice.

Joseph LaGeorge, IV, of 7234 State Route 36 in Dansville has applied for an area variance for his side yard setback. A variance of plus or minus three feet is needed in order to build a structure. Per Town of Groveland Zoning Art. III, Section 24 (R District) side yard setbacks are to have a width not less than 15 feet.

Chair Burnette invited the applicant to speak about his application.

Joseph LaGeorge said he wishes to build a two-car attached garage. A breezeway is necessary (per CEO Maxwell). The house is 165 feet from the property line. When asked about neighbors and lighting, Joseph LaGeorge replied that the only light will face down the driveway.

CEO Maxwell said there have been no comments or complaints received at the Town Office. The Secretary said that due to a computer virus at the Livingston County News, one of the Public Hearing notices was run a week later than scheduled on May 16, 2019. The County Planning Department had considered it "local option."

Chair Burnette stated that because this is considered a Type II action under SEQR [(c) 17], it is not subject to review.

Chair Burnette, together with board members, went through the five questions necessary for an area variance as follows:

1. **Will an undesirable change be produced in the character or the neighborhood, or will a detriment to nearby properties be created by granting the variance?**

No, it will improve the property.

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

No, per fire code, there needs to be a breezeway between [house and garage], and this creates the need for a variance.

3. **Is the requested variance substantial?**

No, 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.

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

Yes, they want to add a garage to the property.

William Magee made the MOTION to grant Joseph LaGeorge, IV, an area variance of +/- three feet for his side yard setback at 7234 State Route 36, Dansville, tax map #125.-1-12. Pattie Johnston SECONDED the motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

Peter Dolan then made a MOTION to close the Public Hearing at 7:10 PM

William Magee SECONDED the Motion.

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

Opposed: None.

Abstained: None.

MOTION PASSED.

J. LaGeorge thanked the board members and left the Public Hearing.

3. REVIEW of the APRIL 15, 2019, UNAPPROVED ZONING BOARD MINUTES.

Chair Burnette asked that board members review the above minutes. This was done.

Rick Sleggs made the MOTION to approve the April 15, 2019, Zoning Board Minutes as presented.

Pattie Johnston SECONDED the motion.

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

Opposed: None.

Abstained: None.

MOTION CARRIED.

4. OTHER BUSINESS/ANNOUNCEMENTS.

Peter Dolan spoke about the recent training he had attended about signs. There are many conditions and laws governing signs. He mentioned several of these. Of interest lately is the matter of changing digital and flashing signs. There are First Amendment issues which do need to be considered. Board members discussed this at some length.

5. 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 7:50 PM.

Pattie Johnston SECONDED the motion.

All in favor: Pattie Johnston, Rick Sleggs, Peter Dolan, William Magee, 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 of Appeals** will hold a Public Hearing in the Town of Groveland on Monday, May 20, 2019, starting at 7:00 p.m. at the Groveland Town Hall, 4955 Aten Road, Groveland NY.

At this time an application by Joseph LaGeorge, IV, of 7234 State Route 36, Dansville 14437, will be considered for a side yard Area Variance of +/- 3 feet in order to build a structure. The property fails to meet the Town of Groveland Zoning Art. III, Section 24, requiring R district side yard setbacks to have a width not less than 15 feet.

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

Courtney Burnette
Zoning Board Chair
Run Date: May 2 & 9, 2019