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**Town of Groveland  
Zoning Board of Appeals**

**Town of Groveland**

**Meeting  
Monday, August 20, 2012**

Zoning Board of Appeals members present: Ron Merrick, Chairman, Phil Livingston, Courtney Burnette, William Magee and Kevin Niedermaier. Absent Patricia Johnston, Alt.

Also present: CEO Ron Maxwell, Raymond Slattery and David Tuttle

Review and approval of the 4/16/12 meeting minutes: Motion by Courtney Burnette to approve the meeting minutes as submitted, seconded by Phil Livingston. All in favor.

Chairman Ron Merrick opened the meeting at 7:00 PM and read the public notice for the modification of a side setback variance granted to Raymond Slattery September 2011. Mr. Slattery is requesting that the north side setback variance be increased to 4 feet. The Chairman explained the modification is necessary due to an oversight interpreting the instrument survey map that was used at the time the variance was granted. The instrument survey showed the lot 26 feet wide along the road but the measurement from the lot line perpendicular to the garage is a distance of 25 feet.

Courtney asked if there were any complaints at the original hearing and the Chairman stated that no correspondence or comments were received from the public for or against the requested modification to the variance. Mr. Tuttle stated that he had a 15 minute power point presentation. The Chairman explained that since this hearing is for a modification to a variance already granted and not a new variance he would allow him the standard 5 minutes to address the Board. Mr. Tuttle asked if a referral was made to the County Planning Department. Chairman told him a referral was done and a response was received from them.

Mr. Tuttle explained that the lake property has been owned by various family members for 58 years. He started out by commenting that the Judge that heard his appeal regarding this variance is the same person that represented Mr. Slattery at his real estate closing that took place in the 1990's and suggested that maybe the Judge should have recused himself due to a conflict of interest. Mr. Slattery refuted that comment saying that he recently saw the Judge at a restaurant eating lunch and the Judge did not recall who he was. Mr. Tuttle said that there have been various violations by Mr. Slattery citing a retaining wall 4 feet onto his property and a deck he built 8 inches over the property line. Mr. Tuttle had a survey done two weeks prior to this hearing that shows the lot is 25 feet. He said he did not agree with the response to the impact questions answered at the original hearing. He was concerned that firefighters and emergency vehicles would not have space along the property line to lay hose. Kevin, being a professional firefighter, assured him that firefighters would not have a problem laying hose lines along the property line. Mr. Tuttle asked that the variance not be granted and the carport be taken down.

Mr. Slattery said he did not be willing to take the carport down but asked the Board if he could change his request to a 6 foot side setback variance on the north side and a 1 foot side setback variance on the south in an effort to lessen the impact to Mr. Tuttle's property.

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Motion by Kevin Niedermaier to modify the side setback variances granted September 2011 as follows: grant a six foot side setback variance on the north and a one foot side setback variance on the south with the condition that any obstructions on the side of the garage be removed and the side of the garage be kept unobstructed. Motion seconded by Phil Livingston. Vote taken: 5 yes, 0 no. Motion carried.

The Board revisited the impact questions answered at the original hearing September 2011 and were in agreement that the answers still apply. County Planning Department stated that since this is an area variance for an accessory structure it is a Type II action and a SEQR is a town option.

Motion by William Magee to adjourn the meeting at 8:20 PM, seconded by Kevin Niedermaier. All in favor.

Submitted by  
Karol Thomas  
Recording Secretary