

**TOWN OF GROVELAND
ZONING BOARD OF APPEALS
Meeting Minutes
April 11, 2016**

Members Present: Chairman Courtney Burnette; Members: Peter Dolan, William Magee, Patricia Johnston, and Richard Sleggs (substitute for Phil Livingston Sr.)

Also present: Town Attorney David Roach

Visitors Signed in: Mr. Ryan Woodworth, Mr. Scott Cannon

Meeting opened at 7:00 PM.

Chair Burnette began meeting by reading the ZBA notice regarding the work session and intent to clarify the findings of the Board on the application of Mr. Scott Woodworth of 5903 West Lake Road, Conesus, NY in the Town of Groveland. She then stated that as a work session, there would be no public comments accepted at this meeting.

Attorney Roach then stated that the ZBA needed to clarify a prior decision and he would read the findings of the Hon. Dennis Cohen of the Supreme Court, County of Livingston. (*See attachment 1*)

Attorney Roach further stated that on January 16, 2016, Judge Cohen vacated the decision of the ZBA and remanded the matter back to the ZBA for consideration. Mr. Roach explained that the ZBA had 5 factors to consider and needed to vote on each factor.

Mr. Magee stated that one thing that the ZBA considered strongly was the level of opposition raised by the neighbors. Magee stated that the neighbors lividly opposed the structure. He added that it was a difficult discussion. It wasn't just complaints, they had substance.

Mr. Dolan stated that one neighbor said that this structure would completely obstruct their view of the lake. Right now can see lake from kitchen, if structure went up, there would be no view at all.

Mr. Roach then read each factor with reasons clarifying the ZBA decisions. The factors and reasons are listed clearly in Attachment 1 herein. The factors and vote will also be listed below:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created if the area variance is granted?
ZBA Yes 5-0 (*see attachment 1 for detailed reasons*)
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than the area variance?
ZBA Yes 5-0 (*see attachment 1 for detailed reasons*)
3. Is the requested area variance substantial?
ZBA Yes 5-0 (*see attachment 1 for detailed reasons*)
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
ZBA Yes 5-0 (*see attachment 1 for detailed reasons*)

5. Was the alleged difficulty self –created?
ZBA Yes 5-0 (*see attachment 1 for detailed reasons*)

Motion to deny the variance request because the benefit of the applicant does not outweigh the detriment to the neighborhood or community made by William Magee.

Seconded by Patricia Johnston.

Vote: Aye: 5 Nay: 0

Mr. Roach then read the Determination of the ZBA based upon the 5 factors.

“The ZBA, after taking into consideration the above five (5) factors, finds that: The benefit of the applicant **DOES NOT** outweigh the detriment to the neighborhood or community and therefore the variance request is denied.”

Motion to close the meeting made by William Magee.

Second by Peter Dolan

Vote: Aye 5 Nay 0

Meeting closed at 7:40pm

Respectfully Submitted
Recording Secretary
Kathleen Gurak

**Attachments are filed in the Town Clerk’s office.*