

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
August 20, 2018
7:30 to 8:03 PM**

Members Present:

Courtney Burnette, Chair
Rick Sleggs
Pattie Johnston
Peter Dolan

Code Officer:

Ron Maxwell

Applicants/Representatives/Public:

Richard & Anna Spencer (CUP)
Jamie Jobson (CUP)
Jon White

Town Council: Ron Niedermaier

ZBA Members Absent: William Magee, Phil Livingston, Jr. (alternate)

1. CALL TO ORDER:

The scheduled Zoning Board meeting was opened at 7:00 PM by the Chair, Courtney Burnette. She noted the Public Hearing notice on the Town Office door that a meeting was in process. There was a quorum of the Zoning Board members.

2. PUBLIC HEARINGS:

Chair Burnette read aloud the Public Hearing Notice (attachment) for both Christie Jopson and Richard Spencer. Both are applications for Conditional Use Permits as follow:

Christie Jopson, 5678 Groveland Hill Rd., Tax Map#100.-1.-44, for a renewal and amendment to a Conditional Use Permit to also sell stone and mulch in addition to cars, equipment, and storage.

Chair Burnette invited anyone present who wished to come forward and speak about this permit application to do so. Jamie Jopson began to explain the request; he said that he was planning to bring in decorative stone to sell. Some stone will go in front of his property on two pallets and the balance left, if any, will go in the back by his horse barn.

Jon White then spoke up and said that Christie's and Jamie's property is the best developed in Groveland. However, drainage runs downhill onto his property. He would like to request that a diversion ditch be put in by next spring to protect his farmland. Some additional discussion took place. CEO Maxwell said the runoff probably occurred after the Jopsons blacktopped their driveway. J. Jopson said he would be "glad to fix the drainage problem and work with Jon." He also confirmed that it would be done by next spring.

Peter Dolan asked what hours the stone would be delivered. J. Jopson said stone will come by truck during normal business hours. Regarding the sale of cars, there may only be a couple but no more than two. Zoning Board members examined the forms and diagrams submitted by the Jopsons.

As a result of the discussion between J. White and J. Jopson, P. Dolan and CEO Maxwell explained the reasoning behind Ag Data Forms. Letters are sent to nearby farms when there is an action submitted to the Town in order to inform the farms of any activity that may affect their operations.

The Secretary noted that this application had gone to the County Planning Board and was determined to be "local option."

The SEQR short form was done by the Chair and Zoning Board members.

Pattie Johnston made the SEQR MOTION for negative declaration for this project. Based upon information and analysis, and supporting documentation, the proposed action will not result in any significant adverse environmental impacts.

Rick Sleggs SECONDED the motion.

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

Opposed: None.

Abstained: None

MOTION CARRIED.

Peter Dolan then made the MOTION for Final Approval of the Jopson Renewal and Amendment to the Conditional Use Permit for a period of one year. The runoff to Jon White's land from Jopson's property will be remedied by next spring. This Permit is for 5678 Groveland Hill Rd., Tax Map#100.-1.-44

Pattie Johnston SECONDED the Motion.

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

Opposed: None.

Abstained: None

MOTION CARRIED.

Chair Burnette then signed the Jopson Conditional Use Permit with the time limit.

Conditional Use Permit submitted by Richard L. Spencer, 7206 Route 36, to install a double-wide home on his property, Tax Map#125.-1-8.112.

At 7:22 PM this Public Hearing was opened by Chair Burnette. Richard Spencer spoke and said they had purchased some land from Gail Riley in preparation for a new home upon retirement. "Rick" and Anna had been quite satisfied with the structure and quality of the Sanford manufactured home. The lack of extensive time involved in the construction was also a factor. Regarding utilities, they were expecting public water in the future.

The Secretary noted that the County Planning Board had also considered this permit as a matter of "local option."

The Chair asked if there were any further comments. There were none; and SEQR short form was then done.

Rick Sleggs then made the SEQR MOTION for negative declaration for this project. Based upon information and analysis, and supporting documentation, the proposed action will not result in any significant adverse environmental impacts.

Pattie Johnston SECONDED the motion.

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

Opposed: None.

Abstained: None

MOTION CARRIED.

Peter Dolan made the MOTION for Final Approval of the Conditional Use Permit for the Spencers to install a double-wide home on their property at 7206 Sonyea Rd. (Route 36), Tax Map#125.-1-8.112, in perpetuity.

Pattie Johnston SECONDED the Motion.

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

Opposed: None.

Abstained: None.

MOTION CARRIED.

Chair Burnette signed the Conditional Use Permit and announced the Public Hearing/s closed. Both of the applicants and any members of the public present then left the Town Hall.

3. REVIEW of the March 19, 2018 UNAPPROVED ZONING BOARD MINUTES.

Board members present considered the March 19, 2018 minutes.

Rick Sleggs made the MOTION to approve the March 19, 2018 Zoning Board Minutes.

Peter Dolan SECONDED the motion.

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

Opposed: None.

Abstained: None

MOTION CARRIED.

4. NEW BUSINESS/ANNOUNCEMENTS.

Letter from the Betkers and others re: injury to Charles McLaughlin II's son.

This incident was discussed among Zoning Board members present. Letters had been received from Ralph and Christine Montinarelli in addition to Mark and Kimberley Betker.

The Betkers had damage to their property but the main subject discussed in their letters was the severe leg injury of July 3, 2018.

The letters request that Charles McLaughlin's dock permit be revoked by the Zoning Board. Mr. McLaughlin's son (Chuck) was injured as a result of a type of "firework" set off at the dock. At this time, he remains in the hospital with an infection.

The dock at 5673 West Lake Road, Conesus, is subject to the 1992 Dock and Mooring Law of the Town of Groveland. The permit is issued to Charles (Charlie) McLaughlin, II. Letters were addressed to Courtney Burnette, the Zoning Board and Ron Maxwell.

The letters from neighbors and the seriousness of the resulting injury were discussed by Zoning Board Members and CEO Maxwell at length. CEO Maxwell quoted from the McLaughlin Permit in which there was a conveyance of a five-foot right-of-way to the McLaughlin dock. The dock was part of the original deed to the McLaughlin residence at 5675 West Lake Road (*Liber 298, page 28 and Liber 373, page 494*, respectively). The Montinarellis have reviewed the Town of Groveland's files. Zoning Board members read the letters and also reviewed the Dock and Moorings Law (Local Law Number 1, 1992) in addition to other Town files.

Members discussed this situation. It was eventually decided to forward these minutes, and letters requesting removal of the dock permit, to the Town Council.

It is also the hope of the Zoning Board that the Town Attorney be consulted. Chair Burnette will write to the Town Council.

5. ADJOURNMENT.

There being no more announcements or business, the Chair called for a motion to adjourn.

**Peter Dolan made the MOTION to adjourn the Zoning Board meeting at 8:03 PM.
MOTION CARRIED.**

Pattie Johnston SECONDED the motion.

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

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 at the Town of Groveland Town Hall, 4955 Aten Road, on Monday, August 20, at 7:00 PM to consider the applications submitted by the following:

Christie Jopson, 5678 Groveland Hill Rd., Tax Map#100.-1.-44, for a renewal and amendment to a Conditional Use Variance to also sell stone and mulch in addition to cars, equipment (retail), and storage.

Richard L. Spencer, 6544 Sonyea Rd., Mt. Morris, 14510, for a Conditional Use Variance in order to install a double-wide home on their property located at 7206 Rte. 36, Tax Map#125.-1-8.112.

On the above Public Hearing date and time, the Zoning Board of Appeals will hear any person/s in support or opposition to the above applications for conditional use variances. Anyone wishing to express an opinion in writing may also do so. The file may be viewed in the Town Clerk Office located at 4955 Aten Road, Groveland, 14462, during normal office hours.

Courtney Burnette, Chair
Zoning Board of Appeals
Run dates: Aug. 2 & 9, 2018