

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
August 19, 2019
7:00 to 8:05 PM**

Members Present:

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

Code Officer:

Ron Maxwell

Applicant:

Jacob Wengerd, Site Plan/Conditional Use Permit

Public Present: Richard Testa, Inice Testa, Christine Fitzsimmons, Brittany Grossman, Sharon Derrenbacher, John N. Byler, Cynthia Flint, David J. Flint, Jeremy Lane, Johnny Wengerd, Noah L. Miller, David Cambild, Tim Clymo, Karen Clymo, Breanne Wengerd, and Brett Wengerd

1. CALL TO ORDER.

The scheduled Zoning Board meeting was opened at 7:00 PM by the Chair, Courtney Burnette. There was a quorum for the meeting. The Chair immediately proceeded with the Public Hearing.

2. PUBLIC HEARING: SITE PLAN/CONDITIONAL USE PERMIT for JACOB WENGERD, 5130 Bath Rd., Tax Map #136.-1-8.11.

Chair Burnette began the Public Hearing by reading aloud the legal notice (attached). She invited the applicant to explain his project and for ZBA members to ask questions before public comments.

Jacob Wengerd came forward and briefly summarized his wish to have an agricultural-type building/lean-to in which to do woodworking and build furniture and cabinets. These would be only when requested by customers. He works alone and referrals are by word-of-mouth. Rick Sleggs asked whether there will be a sign and J. Wengerd answered that there probably will be.

At that point Richard Testa stood up from the floor, identified himself, and said, "There should be no selling out of a house. Any additional traffic should not be allowed as Bath Road is unsafe. Fifty percent of the road is unsafe for passing." He continued to say that he has requested road improvements from the Town Board many times. Chair Burnette asked him if cars were able to pass safely, would that be better? R. Testa said, "No."

Karen Clymo said that with business comes added traffic. However, when CEO Maxwell asked about business at her location, Karen Clymo said the business was gone.

“The road is narrow and bad and those who live there already are in danger.”

Jeremy Lane, a neighbor of J. Wengerd, pointed out that it is not a large retail business and has only two parking spaces. Tim Clymo asked, “What is going to happen when his family grows?” When asked to explain this, he said, “Amish usually have large families.”

Another member of the public, David J. Flint, said he was from out of town but had wanted to come as a character witness to show his support for Jacob Wengerd. He said that Jacob does beautiful work and had done numerous projects for him. He added that the previous road where Jacob Wengerd had lived and done his woodworking was in a “rougher state than Bath Road.”

CEO Maxwell added that Bath Road is a public road and people cannot be restricted from travel. Peter Dolan pointed out that the condition of the road was not Jacob Wengerd’s fault.

William Magee said Bath Road had not been widened since the ‘70s. Chair Burnette said that traffic would be minimal. Christine Fitzsimmons said, “The road was washed out a couple of months ago and had to be damned up.” Her house had been purchased just a couple of months ago and “they know everyone who drives down the road.” That was the reason they had moved to Bath Road.

Someone said, “Moving furniture requires a semi.” The public was told that the Wengerd furniture is not moved via a semi-trailer but by truck. Another person said that she had bought their house five years ago and wanted no more traffic. “What will it be like in five years?”

J. Lane said he did not think Jacob’s business would expand businesses in the area. CEO Maxwell further explained that the Zoning Board was considering the business for a one-year conditional use permit. It is a permitted use. Permits are issued prior to a building being built but barns are agricultural and are not inspected. Jacob Wengerd’s permit would come up for renewal next year. Any problems that come up or difficulties occurring can be discussed at another public hearing at that time; Phil Livingston confirmed that. Peter Dolan added that all public hearings are advertised. He also told the public that there is no electricity at the location – the saw is diesel.

Chair Burnette then read aloud a letter of support which had come to the Town Office. It will be entered into the official town record for Jacob Wengerd.

When there were no more questions/comments from the floor, Chair Burnette continued with the SEQR short form. This was done by Planning Board members. All answers were, “No or small impact.”

Rick Sleggs made the SEQR motion that based on information and analysis, and any 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, William Magee and Peter Dolan.

Opposed: None.

MOTION CARRIED.

Pattie Johnston made the motion to grant Jacob Wengerd, , 5130 Bath Rd., Groveland, Tax Map #136.-1-8.11, final site plan approval for a pole barn/lean-to.

She said this motion is also for a one-year conditional use permit for the purpose of woodworking and the selling of furniture and cabinets at the above location. This conditional use permit is granted to Jacob Wengerd as an individual and not to the property.

Peter Dolan seconded the motion.

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

Opposed: None.

MOTION CARRIED.

(Phil Livingston attended as an alternate but voiced his agreement with the above motions.)

Members explained that this one-year Conditional Use Permit application is subject to renewal next year.

CEO Maxwell further explained to the public present that a lean-to on the building is necessary because zoning does not permit people to enter the location where the saw operates. He also added that because the property is not in an agricultural district, the former owner could have subdivided the acreage and sold to several different owners. This would have resulted in a greater amount of traffic on the road. As far as the speed limit is concerned, it is determined by the State.

Chair Burnette asked for a motion to close the public hearing.

Rick Sleggs made the motion to close the Public Hearing at 7:45 PM.

Peter Dolan seconded the motion.

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

Opposed: None.

MOTION CARRIED.

(Phil Livingston attended as an alternate but voiced his agreement with this motion.)

The Secretary had referred this project to the County Planning Department and necessary Ag Data letters were sent.

3. ZONING BOARD MINUTES FROM MAY 20, 2019.

All present announced that they had read the minutes which had been emailed.

Peter Dolan made the motion for approval of the May 20, 2019 Zoning Board minutes. William Magee seconded the motion.

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

Opposed: None.

MOTION CARRIED.

4. OTHER BUSINESS/ANNOUNCEMENTS.

CEO Maxwell told board members that Dave Barber had died. Don Barber is taking care of his old trailer. ZBA members felt that replacing it with a larger trailer would be alright provided it was placed on the same footprint. However, any size increase would need to go before the board anyway, said CEO Maxwell.

5. ADJOURNMENT.

Lacking further announcements or business, Chair Burnette ended the meeting at 8:05 PM.

Respectfully submitted,

Diane McMullan, Secretary
Planning/Zoning Boards

dmm

Attachments: (1) Public Hearing Notice
(2) Letter of Support received in Town Office

**PUBLIC HEARING NOTICE
TOWN OF GROVELAND**

Notice is hereby given that the Zoning Board will hold a Public Hearing in the Town of Groveland on Monday, August 19, 2019, starting at 7:00 p.m. at the Groveland Town Hall, 4955 Aten Road, Groveland NY.

At that time an application by Jacob Wengerd will be considered for site plan and conditional use approvals, for property located at 5130 Bath Road, Groveland, tax map number 136.-1-8.11. The property is being considered for a pole barn/lean-to for the purpose of woodworking and the selling of furniture and cabinets.

At the above time, at this public hearing, the Zoning Board will hear any person or persons in support of, 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, Chair
Zoning Board

Run Date: Aug. 8 and 15, 2019

RECEIVED

AUG 16 2019

Town Clerk

From: Kimberly Lemieux <kimberlyalemieux@gmail.com>
Sent: Monday, August 19, 2019 3:34 PM
To: townclerk@grovelandny.org
Subject: 5130 Bath Road - Public Comment

Dear Chairman:

I am writing to you regarding Mr. Jacob Wengard and the Zoning Meeting on his property at 5130 Bath Road. I am unable to make the public meeting, however I wanted to be sure my comment was made public. I appreciate your time and consideration regarding this matter.

This year I became a customer of Mr. Wengard's cabinet shop. I wanted to make a public comment regarding the amount of visits I had made to his shop while a customer. Jacob made all of the cabinets in my home, as it was a new build. I made three visits in nine months to his shop during the project. The project was large but did not require many visits because the Mr. Wengard is thorough in his calculations and project management. We added to the project during construction which caused a subsequent meeting, a total of three meetings. However, I do not think the amount of visits was excessive. If the Wengards started a fruit stand there would be much more traffic generated than his cabinet shop.

I hope you will consider this zoning appeal for the Wengards. We have grown to know their family and they are wonderful people. They are kind, patient and loving people. I would personally welcome them as my neighbors.

Highest regards,

Kim Lemieux
4566 Meyer Road
North Tonawanda, NY 14120