

**Town of Groveland
4955 Aten Rd.
Zoning Board Minutes
October 21, 2019
7:00 to 8:00 PM**

Members Present:

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

Code Officer:

Ron Maxwell

Applicant:

John M. Palmer (Variance)
Charles Comer (Neighbor)

Excused:

Peter Dolan

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 and Phil Livingston served as alternate for Peter Dolan. The Chair immediately proceeded with the Public Hearing.

2. PUBLIC HEARING:

Chair Burnette began the Public Hearing at 7:03 PM and read aloud the legal notice (attached). She invited the applicant to explain his request for area variances in order to build a garage. The front yard variance setback would be for 40 +/- feet and the north side yard setback variance was requested for three feet. She mentioned that there was a letter of reference from Charles Comer and this is entered into the official Town file. Mr. Comer said that he is Mr. Palmer's neighbor and owns land on three sides of his property. He felt the addition of a garage would improve the neighborhood and is in favor of the variances. CEO Maxwell spoke about the lack of a survey. However, he added, there are pins present on Mr. Palmer's property as well as the diagrams that were submitted with the variance/s application. He had requested a letter of support from Mr. Comer.

Chair Burnette requested comments from Zoning Board members. Phil Livingston commented that Mr. Comer was indeed his neighbor on three sides and on the fourth side was State property. Pattie Johnston asked if the applicant was bothered periodically by the sewer treatment smell. J. Palmer said it wasn't too bad and was no worse than some of the farm odors.

The five questions that must be considered before the Zoning Board grants any area variance were done by the Chair and zoning board members:

1. Will an undesirable change be produced in the character or neighborhood, or will a detriment to nearby properties be created by granting the variance?
No, it keeps with the character of the neighborhood.

2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance?
No, due to the layout of the property.
3. Is the requested variance substantial?
Yes, the front setback should be 60 ft. but is over 50% at 20 ft.
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 add to the property.
5. Is the alleged difficulty self-created?
Yes, the applicant would like to build a garage.

Chair Burnette announced that this was a SEQR Type II action (c) (12) and read the description aloud: *construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, , swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density.*

There being no additional discussion, Chair Burnette requested a motion.

William Magee made the motion to approve John M. Palmer's request for the following variances: a front yard setback of plus/minus 40 feet and a north side yard setback of three feet.

Pattie Johnston seconded the motion.

All in favor: Courtney Burnette, Phil Livingston, Pattie Johnston, William Magee, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

CEO Maxwell added that the Public Hearing sign had been out on display for a week. The zoning referral had been sent to the County and the Public Hearing had appeared in the Livingston County News.

Rick Sleggs made a motion to close the Public Hearing at 7:30 PM

William Magee SECONDED the Motion.

All in favor: Courtney Burnette, Phil Livingston, Pattie Johnston, William Magee, and Rick Sleggs.

Opposed: None.

Abstained: None.

MOTION PASSED.

CEO Maxwell told J. Palmer that he now needs to show drawings in order to obtain his building permit.

Both J. Palmer and C. Comer left the meeting.

3. ZONING BOARD MINUTES FROM AUGUST 19, 2019.

Chair Burnette requested that those present review and consider the above minutes.

William Magee made the motion for approval of the Zoning Board August 19, 2019 minutes.

Phil Livingston seconded the motion.

All in favor: Courtney Burnette, Pattie Johnston, Rick Sleggs, William Magee and Phil Livingston.

Opposed: None.

Abstained: None.

MOTION CARRIED.

4. OTHER BUSINESS/ANNOUNCEMENTS.

The secretary reported that the Jopsons had been sent a Second Notice for the Conditional Use Permit renewal. There was some discussion among CEO Maxwell and board members resulting in a decision that a Final Notice letter should be sent. Hopefully, the renewal application will be received by the end of the month, enabling the Public Hearing to be held November 18. CEO Maxwell said he has received no complaints.

Charles Comer's Conditional Use Permit for truck repairs is due this November. He has been sent a reminder letter. The secretary said he had requested information on Conditional Use Permits for the past five years from the Town Office. There is a tickler file which lists this information in the office. CEO Maxwell reported that Mr. Comer had hoped his truck repair business could be considered agribusiness (farm repairs). However, that did not qualify for an Ag District.

CEO Maxwell continued that the ice cream shop has inquired about turning part of the building into an office and renting it out. It would need another door. He asked if zoning board members would like the application to come in. It would be 166 sq. ft. of office space and there is plenty of parking. Zoning board members did not think this would be a problem. (They did wish there were additional hours that ice cream was sold.)

William Magee made the motion that a building permit may be granted so that the ice cream building may construct another entrance for a possible 166 sq. ft. office to rent out.

Pattie Johnston seconded the motion.

All in favor: Courtney Burnette, Pattie Johnston, Rick Sleggs, William Magee and Phil Livingston.

Opposed: None.

MOTION CARRIED.

William Magee said he will be leaving town shortly and will not attend meetings in the winter.

5. ADJOURNMENT.

Lacking further announcements or business, Chair Burnette ended the meeting at 8:00 PM.

Respectfully submitted,

Diane McMullan, Secretary
Planning/Zoning Boards

dmm

Attachments: Palmer Public Hearing Notice

**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, October 21, 2019, starting at 7:00 p.m. at the Groveland Town Hall, 4955 Aten Road, Groveland NY.

At that time an application by John M. Palmer, 7476 Groveland Station Road, for side and front variances in order to build a garage at the same location, tax map number 135.16-1-2.1.

At the above time 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 do so. The file may be viewed in the Town Clerk's office located at the Town Hall during regular office hours.

Courtney Burnette, Chair
Zoning Board

LCN Run Dates: Oct. 10, and 17, 2019