
Town of Groveland
Zoning Board Minutes
4955 Aten Rd.
Groveland, NY 14462
Monday, March 20, 2023

Members Present:
Chair Pattie Johnston
Pete Dolan
Abigail Bean
David Tozier
Phil Livingston Jr.

Code Officer: Ron Maxwell

Others:
Mark Muller

Absent:
William Magee

1. Call to Order

Chair Pattie Johnston called the meeting to order at 6:58 PM. There was a quorum present. Chair Johnston began the meeting by reading aloud the Public Hearing Announcement for the Danner variance. The Public Hearing had appeared in the Livingston County News on March 9, 2023.

2. Public Hearing:

Chair Johnston invited Mark Muller to come forward and speak about what he and the home owner are seeking.

Mark Muller explained they are currently seeking a variance to remove existing home, garage, steps, and concrete pads to build a new structure. He and the home owner believe that the proposed new build is better suited for the parcel as the proposed build has greater setbacks and smaller lot coverage than the existing buildings.

Pete Dolan asked about potential lighting, as he does not want lighting to overflow onto neighboring properties, Mr. Muller stated he plans to put a recessed light in the ceiling above the front door so there would be no overflow. Mr. Dolan also was concerned about storage but there will be ample storage between the overhang and new attached garage.

It was confirmed that the public hearing sign was present at the property and visible to the public.

There have been no negative comments from the public in reference to the project. Terry Becker, located at 6081 West Lake Road sent an email stating they have no problem with the proposed action. They do want to ensure they will not be liable for any issues that may arise with the stairs that are close to the shared property line. Mr. Muller stated that the stairs end over 6 feet away from the property line and end on flat ground, so he does not foresee any issues. CEO Maxwell stated that zoning even allows for stairs within the setbacks as they are required accessories. The Becker's were also concerned about the viewshed and our code does not say anything about protecting viewshed.

The variance request has been sent to Livingston County Water and Sewer Authority (LCWSA). County Planning has also considered the variance request as a matter of "local option."

The board reviewed the five questions and included in file:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granted the variance?
No, the new build will enhance the property, and will bring in the North and South yard setbacks to comply with zoning, which it does not currently do.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance?
No, if they built along the existing footprint they would further exceed the lot coverage and not be compliant with the North and South yard setbacks.
3. Is the requested variance substantial?
No, they are making the lot coverage less than the existing structure, even though they are still exceeding lot coverage, just by less.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
No, a new build would improve the neighborhood.
5. Is the alleged difficulty self-created?
Yes, they are asking to build a new structure.

Action number 11 and 17 are on the Type 2 list, so no other SEQR is required.

Pete Dolan made the motion to grant the variance as presented.
Phil Livingston Jr. seconded the motion.

All in favor: Pattie Johnston-AYE, Pete Dolan-AYE, Phil Livingston Jr-AYE, Abigail Bean-AYE, and David Tozier-AYE.

Opposed: None

Abstained: None

MOTION PASSED

The necessary form was signed and given to the Town Clerk to be processed.

CEO Maxwell has requested that once the current structure is demolished before the start of new construction the footprint is steaked out by a surveyor.

Pete Dolan made the motion to close the public hearing, David Tozier seconded the motion.

All in favor: Pattie Johnston-AYE, Pete Dolan-AYE, Phil Livingston Jr-AYE, Abigail Bean-AYE, and David Tozier-AYE.

Opposed: None

Abstained: None

MOTION PASSED

3. Consider Zoning Board Past Minutes from October 17, 2022:

The above was next considered for approval/comments.

Pete Dolan made the motion to approve the minutes as presented, Abigail Bean seconded the motion.

All in favor: Pattie Johnston-AYE, Pete Dolan-AYE, Phil Livingston Jr-AYE, Abigail Bean-AYE, and David Tozier-AYE.

Opposed: None

Abstained: None

MOTION PASSED

4. CEO Report

CEO Maxwell informed the board of the complaints that have come into the office that are in the process of being reviewed and dealt with.

5. Other Business

The Board discussed further the email from Doug and Terry Becker regarding the process we follow in regards to informing neighbors of the public hearings. Phil Livingston Jr agrees that he believes we should be sending letters to neighboring properties. David Tozier made the point that we can never make everyone happy, someone will always have a complaint, he is not opposed to sending letters.

We have followed our existing code by placing the public hearing signs in advanced. The board discussed ways to resolve the issue, and the suggestions will be sent to Planning Board as for our process to change we would need to change it in our zoning law.

6. Adjournment

There being no further business to conduct, Pattie Johnston adjourned the meeting at 8:20 PM.

Phil Livingston Jr. made the motion to adjourn the meeting.

Pete Dolan seconded the motion.

All in favor: Pattie Johnston-AYE, Pete Dolan-AYE, Phil Livingston Jr-AYE, Abigail Bean-AYE, and David Tozier-AYE.

Opposed: None

Abstained: None

MOTION PASSED

Submitted by,

Trista A Tozier
Zoning Board Secretary