

**Zoning Board Minutes  
Town of Groveland  
4955 Aten Rd.**

**Tuesday February 16, 2021 at the Town Hall and via teleconference allowable per executive order 202.1 from Governor Cuomo, meeting is to be recorded and transcribed.**

Members Present:  
Courtney Burnette  
Peter Dolan - zoom  
Rick Sleggs  
Pattie Johnston  
Phil Livingston

Code Officer:  
Ron Maxwell

Applicants:  
Mark Calzone            Ken Allen (contractor w/ Mr. Calzone)  
Mark Hamby(zoom)  
Chuck Smith(zoom) (contractor w/ Mr. Hamby)

Absent: William Magee

**CALL TO ORDER.**

Chair Burnette called the meeting to order at 7:08 PM. There was a quorum present. Chair Burnette began the meeting by reading aloud the Public Hearing Announcement for Mark Calzone. The Public Hearing had appeared in the Livingston County News on February 3, 2021.

**PUBLIC HEARING: Calzone.**

Chair Burnette invited Mark Calzone to come forward and speak about the side yard setback variance that did not meet code. He and his contractor Ken Allen spoke about their plans. They are looking to increase the size of the building by squaring up the house. There is a deck there now (on the drawing which board members looked at). C. Burnette questioned if it was considered an addition, which it is not. M. Calzone gave a map of the adjoining property, which he also owns. P. Dolan inquired if signs had been put up. Yes – up and visible. M. Calzone sent a picture of the sign to be placed in the files. P. Livingston asked if there would be a roof overhang. No. R. Maxwell stated that it isn't going any closer to the property line than the existing footprint. Lot coverage will be okay. R. Maxwell had told them they would need a variance. Thus, he is **requesting a 56" or 4'5" + or - north yard side yard area variance.**

1. *Will an undesirable change be produced in the character of neighborhood, or will a detriment to nearby properties be created by granting the variance?*

**No, it's no closer to the property line than the existing structure.**

2. *Can the benefit sought by the applicant be achieved by some feasible method other than a variance?*

**No, can not be achieved without a variance.**

3. *Is the requested variance substantial?*

**Yes, over 50%.**

4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?*

**No, improvement to the structure.**

5. *Is the alleged difficulty self-created?*

**Yes, they want to square up house.**

Chair Burnette read the SEQR II action which applies as follows: *#(17)-granting of an area variance for a single- family, two family or three family residence*

CEO Maxwell reported that this variance request has been sent to Livingston County Water and Sewer Authority (LCWSA) and no problems existed. County Planning had also considered each variance requests a matter of "local option."

**Rick Sleggs made the motion to approve the 56" or 4' 5" + or - north yard side yard area variance. Pattie Johnston seconded the motion.**

**All in favor: Pattie Johnston-AYE, Peter Dolan-AYE, Rick Sleggs-AYE, Phil Livingston – AYE, and Courtney Burnette – AYE.**

**Opposed: None.**

**Abstained: None.**

**MOTION PASSED.**

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

M. Calzone and K. Allen thanked the board and left the Town Hall.

**HAMBY-5627-5629 WEST LAKE ROAD VARIANCE REVIEW:**

Code Officer Maxwell requested that Mr. Hamby come back before the board for their review as the survey map the Code Officer has been provided does not match the site plan that was provided and board approved for the approved variance Code Officer Maxwell needs the Zoning Boards approval that the buildings meet their approval to proceed.

Chair Burnette invited M. Hamby and C. Smith to comment on the issue.

Discussion regarding the wording of the variance and how the contractor, surveyor and homeowner had gone by the exact measurement of the variance.

R. Maxwell stated that the site plan that was submitted to and approved by the Board did not match the survey and plans keep changing without consultation.

P. Dolan stated that the board understands that M. Hamby and C. Smith were trying to make the right decision. The hope was that instead of making decisions themselves, they should have asked the board for clarification; they should have communicated better with the Zoning Board about what was done or needed to be done.

M. Hamby stated that there was no ill will intended.

Chair Burnette stated that there is nothing that the board can do at this point and asked for comments from the Board.

P. Dolan stated that we should work a little closer from now on.

No other comments.

M. Hamby inquired whether there would be any letter from this meeting.

Chair Burnette said there would not but minutes would be posted on the website after approval at the next Zoning Board meeting.

M. Hamby thanked the Board for their time.

**CONSIDER ZONING BOARD PAST MINUTES FROM NOVEMBER 17, 2020.**

UNAPPROVED

The above was next considered for approval/comments.

**Pattie Johnston made the motion to approve the above minutes as presented.**

**Phil Livingston seconded the motion.**

**All in favor: Pattie Johnston-AYE, Peter Dolan-AYE, Rick Sleggs-AYE, and Phil Livingston-AYE.**

**Opposed: None.**

**Abstained: Courtney Burnette – not present at last meeting.**

**MOTION PASSED.**

**ADJOURNMENT.** *There being no further business to conduct, Chair Courtney Burnette adjourned the meeting at 7:48 PM.*

**Pete Dolan made the motion to adjourn the meeting. Rick Sleggs seconded the motion.**

**All in favor: Pattie Johnston-AYE, Peter Dolan-AYE, Rick Sleggs-AYE, Phil Livingston-AYE, and Courtney Burnette-AYE.**

**Opposed: None.**

**Abstained: None.**

**MOTION PASSED.**

Submitted by,

Keitha Sleggs  
Deputy Town Clerk

kds

Attachments: 1) Public Hearing Notice  
2) Public Hearing Attendance Sign-In Sheet

**PUBLIC HEARINGS NOTICE  
TOWN OF GROVELAND**

**PUBLIC HEARINGS NOTICE  
TOWN OF GROVELAND**

Notice is hereby given that the Town of Groveland **Zoning Board of Appeals** will hold Public Hearings at the Groveland Town Office on Tuesday, February 16, 2021 starting at 7:00 p.m. in person and via zoom.

At that time, an application by Mark Calzone of 5679 Sutton Point North., Conesus, tax map #100.83.-1-9 is seeking a 56" or 4'5" +or – north side yard area variance which fails to meet the 6 foot side yard setback following the Town of Groveland Zoning Ordinance.

Beginning at the above times, at these public hearings, the Zoning Board will hear any person or persons in support of, or in opposition to, said variance application.

ZBA Zoom Invite

Time: Feb 16, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/81550877279>

Dial by your location +1 646 876 9923 US (New York)

Meeting ID: 815 5087 7279

Passcode: 197035

Anyone wishing to express an opinion in writing may also do so. The above variance application files may be viewed in the Town Clerk's office located at 4955 Aten Road, Groveland NY, 14462, during the normal office hours. Please call 585-243-1750 first.

Courtney Burnette, Chair

Zoning Board of Appeals

LCN Run Date: February 3, 2021