

LIVONIA JOINT ZONING BOARD OF APPEALS

MEETING MINUTES- February 2, 2015

Present: Chair P. Nilsson, M. Sharman, G. Cole, R. Bergin, J. Campbell-Town Attorney,
Code Enforcement Officer A. Backus, Recording Secretary J. Brown

Absent: B. Weber

AGENDA: Accept and approve the meeting minutes of January 5, 2015

(1) *Chris & Michelle Cicero*

Area variance requested to construct a home addition at ***3486 Pebble Beach Rd.,
Lakeville, NY 14480***

(2) *John McCoy*

Area variance requested to construct a second story addition including renovations of the
existing second half story at ***3533 Pebble Beach Rd., Lakeville, NY 14480***

(3) *Nanette Teifke/ Peter Sear*

Area variance requested for a lot line adjustment at ***3773&3775 Cluny Point, Lakeville,
NY 14480***

Chair P. Nilsson opened the meeting at 7:00p.m.

M/2/C (M. Sharman/ G. Cole) to approve the January 5, 2015 Livonia Joint Zoning Board of Appeals
meeting minutes as submitted.

Motion carried 4 -0

Recording Secretary J. Brown read aloud the legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on
Monday February 2, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to
consider the application of Chris and Michele Cicero for an area variance pursuant to Section 150-17C of
the Zoning Code Of Livonia. The area variance is requested to construct a home addition and the
proposal will violate the requirements according to Section 150-31G (1) which state the minimum front
set back requirement. The property is located at 3486 Pebble Beach Rd., Lakeville, New York and is
zoned Neighborhood Residential (NR) District. The application is on file in the Building Zoning
Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All
interested parties will be heard at this time.

Code Enforcement Officer A. Backus asked to have the board members polled on a site visit:

Chair Nilsson- YES

M. Sharman- YES

G. Cole-YES

R. Bergin- YES

Chair Nilsson explained that all the board members had visited the site, but for the record he invited Chris Cicero and Keith Hollis to come forward and explain the request. Keith Hollis said that when the house was built, it met the setback requirement of the time (a 40' front setback requirement).

CEO A. Backus said to clarify, that the house was conforming when it was built.

Keith explained that they would like to remove the existing deck that is on the south east corner of the house and put in its place, a 14'x16' living space. They would just be squaring off the existing house with this addition. They would also like to move the front door of the home from where it's currently located, off the deck, to the street front portion of the home. With that they are proposing to construct a 4'x4' landing accessing the new front door.

CEO A. Backus explained that the front door landing is not part of this proposal because it doesn't violate the front setback requirement as it is under 5' and provides access to the main floor of the dwelling.

Chair Nilsson opened the meeting to the gallery for public comment. Kevin Masterson (3817 Cluny Pt.) said he thinks that this will be a welcome addition to the neighborhood and he hopes that the board considers granting the variance.

Hearing and seeing no further comments, Chair Nilsson closed the public hearing portion of the meeting.

Chair Nilsson asked the board members to review the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? NO
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? NO
3. Is the variance substantial? NO
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? NO
5. Is the alleged difficulty self-created? YES

Chair Nilsson asked if there were any further concerns and hearing and seeing none, called for a motion on the application.

M/2/C (M. Sharman/ R. Bergin) to approve the application as submitted.

Motion carried 4 -0

Recording Secretary J. Brown read aloud the second legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday February 2, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of John McCoy for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. The area variance is requested to construct a second story addition including renovations of the existing second (half) story. The proposal will violate the requirements according to Section 150-70 A (2), which states that no nonconforming building shall be enlarged extended or increased, and Section 150-31 F, which determines maximum lot coverage. The property is located at 3533 Pebble Beach Rd., Lakeville, New York and is zoned Neighborhood Residential (NR). The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

Code Enforcement Officer A. Backus asked to have the board members polled on a site visit:

Chair Nilsson- YES

M. Sharman- YES

G. Cole- YES

R. Bergin- YES

Chair Nilsson invited John McCoy to come forward and explain request. John introduced himself and presented some pictures to the board of the exterior of the property located at 3533 Pebble Beach Road. John explained that due to the pitch of the roof, there is so much unused space on the second story. He would like to raise the roof so that he can utilize the space he has.

G. Cole asked if there is currently a bedroom upstairs. John confirmed that there are currently two bedrooms upstairs.

R. Bergin asked if he is a full time resident at 3533 Pebble Beach Road. John said no, but that he does occasionally vacation there.

Chair Nilsson opened the meeting to the gallery.

Carolyn Angle (3535 Pebble Beach Rd.) identified herself to the board as a direct neighbor to the property up for discussion. She said that the houses are really close together and the narrow spaces between the properties leave no privacy for her and her family. Carolyn indicated that John's property up for discussion tonight is just the first of his three rental properties in a row.

R. Bergin asked Carolyn if the property John wants to renovate is a rental property. Carolyn said that yes, it is.

Carolyn said that parking is an issue-there are parties every day in the summer and she has to work at 6 am and with the houses being so close together, you're dealing with more people, more noise, more dogs and liability. She said that is used to be a nice quiet neighborhood, but not anymore. She said that she's lost her privacy and stated that she might be happy with a 6' fence.

M. Sharman asked if Mr. McCoy owns all three consecutive rental properties, to which he was answered, yes.

Jerry Dougherty (3539 Pebble Beach Rd.) identified himself to the board and stated that John is a good neighbor, but he is an absentee landlord. He stated that he is concerned about dogs and crowding. Jerry's wife, Kim introduced herself and said that their homes are beautiful residences and they pay high taxes. She said that she feels the properties are devalued and the parties all summer long are terrible.

G. Cole asked John about where the parking will be. John said that he bought the vacant lot across the road so that the renters would park there rather than parking on the side of the road. He said his intention in buying that lot for parking was also so that the parking would not bother the neighbors. John indicated that that vacant lot can fit about 25 cars. He said there is a noise ordinance of 10:30pm that he tells the renters to follow and he has no problem with the neighbors calling the cops if that is not followed.

M. Sharman asked John if would agree that if more space is built, that more people will be renting there. John said that building a bigger place doesn't mean he will bring in more people.

Janice LaFountain (on behalf of her son, Steven- 3547 Pebble Beach Rd.) said the parking lot is packed- and that their issue is not with the renters, but rather all of the extra people they bring in.

R. Bergin asked John if he thinks that when people rent from him, they end up inviting more people than intended. John agreed that yes that does happen.

Kevin Masterson (3817 Cluny Pt.) said that historically, this property is a part of an area of single family homes. He has seen a real change in the character of the neighborhood with the conversion of these to rental properties. Kevin suggested future restrictions from the Livonia Town Board to restrict the amount of rentals allowed. Kevin stated that there is a great possibility that this proposal would intensify the level of use, beyond what Neighborhood Residential is used to.

Chair Nilsson asked if there was any further comment from the gallery. Seeing and hearing no further comment, the public hearing portion was closed.

G. Cole asked how many bedrooms are in the structure currently. John said there are five currently and if his proposal was approved, it would turn into a six bedroom, three bathroom residence.

M. Sharman asked John to answer yes or no, does he think that having more bedrooms and capacity would invite more people to stay there. John would not answer the question directly but stated that he just wants to optimally use the space that he has.

Chair Nilsson asked the board members to review the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a deterrent to nearby properties be created by granting the variance? YES- Chair Nilsson said that the proposal would result in increased population.
2. Can the benefit be sought by the applicant be achieved by some feasible method other than a variance? NO
3. Is the variance substantial? NO
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? YES
5. Is the alleged difficulty self-created? YES

Chair Nilsson asked if there were any further concerns and hearing and seeing none, called for a motion on the application.

M/2/C (G. Cole/ R. Bergin) to deny the application as submitted.

Motion carried 4-0

Recording Secretary J. Brown read aloud the third legal notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday February 2, 2015 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Nannette Tiefke and Peter Sear of 3775 & 3773 Cluny Point, Lakeville NY for area variances pursuant to Section 150-17C of the Zoning Code Of Livonia.

This proposal involves a lot line adjustment/subdivision in which the property at 3775 Cluny Point would be increased to include the accessory dwelling at 3773 Cluny Point. The accessory dwelling would be demolished except for the foundation and be reconstructed as a garage (change of use).

The reconfiguration of two adjoining parcels or subdivision/lot line adjustments will violate the following requirements: Section 150-31E which describes minimum area and width requirements; Section 150-31F which describes maximum lot coverage; Section 150-31G. (*adjusted per 150-71. nonconforming lots.*), which describes minimum required setbacks. The reconfiguration of two adjoining parcels or subdivision/lot line adjustments will also violate the following requirements for remaining property at 3773 Cluny Point: Section 150-31F (lot coverage) and Section 150-70 A. (1), which states that no nonconforming lot shall be further reduced in size. The properties are zoned Neighborhood Residential (NR). The application is on file in the Building Zoning Department in the Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

Code Enforcement Officer A. Backus asked to have the board members polled on a site visit:

Chair Nilsson- YES

M. Sharman- YES

G. Cole-YES

R. Bergin- YES

Chair Nilsson invited Nanette Teifke and Peter Sear to come forward and explain the request. They are joined by Nanette's contractor, Sam Rode.

Peter introduced himself as the owner of 3771 and 3773 Cluny Point. He said that he purchased 3771 Cluny Point in 1997 which happened to have a rental unit in it. Peter said that it was not initially his intention to be a landlord but he has been for the past decade or so. Approximately four years ago, Nanette bought the neighboring property, 3775 Cluny Point and he knows that it is her intent to live there forever but her property narrows out front and she has no parking and there's no garage option available at this time for her. Through their discussion over the years, he as a reluctant landlord, and Nanette wanting a bigger lot, have come up with this proposal that Nanette could buy some of his land and build a garage in place of the existing rental unit. Peter said that they have a pretty significant, pre-existing, non-conforming situation and hope to mitigate that.

Chair Nilsson noted that the constriction of only a 3' side setback comes from Peter's steps to and from his property.

Nanette stated that she would like to use the existing foundation once they tear down the rental unit.

Chair Nilsson said that he sees it as Nanette taking away a residential structure and putting in a service building and that this seemed to be a good use of the lot.

Sam Rode said that the electric company will need to put in a pole and reroute some electric, but he is in communication with them.

G. Cole asked why they are only proposing a 3' side setback on the east side. Peter said that they decided on 3' because they are both comfortable with that proposal.

Chair Nilsson stated that for the record, the board has received and reviewed a letter from Nanette's neighbor, David J. Dwyer, stating his support for the proposal.

Chair Nilsson opened the meeting to the gallery.

Kevin Masterson (3817 Cluny Point) addressed the board and said that what Nanette and Peter are proposing is great and will be an improvement to the whole area.

Seeing and hearing no further comment from the gallery, the public hearing portion was closed.

Chair Nilsson asked the board members to review the area variance criteria:

1. Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the variance? NO-if anything, it will be an improvement
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? NO
3. Is the variance substantial? NO
4. Will the proposed variance have an adverse effect of impact on the physical or environmental conditions in the neighborhood? NO
5. Is the alleged difficulty self-created? YES

Chair Nilsson asked if there were any further concerns and hearing and seeing none, called for a motion on the application.

M/2/C (R. Bergin/ M. Sharman) to approve the application as submitted.

Motion carried 4 -0

CEO A Backus indicated to the board that Nanette will complete a parcel combination to join her existing property to the parcel with the structure that she is buying from Peter.

Chair Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:00 pm.

M/2/C (G. Cole/ M. Sharman)

Motion carried: 4 -0

Respectfully submitted,

Jeanne Brown

Recording Secretary