

LIVONIA JOINT ZONING BOARD OF APPEALS
February 3, 2025

Present: Chairman M. Sharman, R. Bergin, J. Prato, M. Thompson, CEO A. Backus, Zoning Compliance Assistant Julie Holtje, Attorney J. Campbell.

Excused: D. Major.

- AGENDA:** *(1) Accept and approve the meeting minutes of January 6, 2025.*
- (2) George & Sandra Woons – 3867 Grayshores Road, Livonia, NY*
- (3) Pathstone/Creekside Clearing – Turtle Rock Road, Livonia, NY*

Chairman Mike Sharman brought the meeting to order at 7:00 p.m. and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from January 6, 2025. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (R. Bergin/J. Prato) Carried: 4-0.

(2) George & Sandra Woons – 3867 Pebble Beach Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **February 3, 2025**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **George & Sandra Woons** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Addition & Porch, which will violate the front and side Setback requirements according to Sections 150-31G (1 & 2), the maximum lot coverage per 150-31 F, and Section 150-71 regarding nonconforming buildings. This property is located at **3867 Grayshores Road, Livonia**, New York, and is zoned Neighborhood Residential District (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.

Chairman M. Sharman polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Excused
J. Prato	No
M. Thompson	Yes

Chairman Mike Sharman asked George & Sandra Woons to come forward for the proposed detached Addition and Porch and stated for the record:

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This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

This application was determined to be a Type II action, and SEQOR was not required per (# 16 & 17) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman M. Sharman opened the public hearing

George and Sandra explained that they would like to add a bedroom, a hallway and an entryway. Their entrance is currently on the north side of the garage where there is a storm sewer. Water from the neighborhood runs to this spot and it is often icy and makes it hard to walk down the stairs. Since this is their forever home, they would like to have a front entrance at street level which would be safer for them as they age and for those that visit and make deliveries. This will also soften the front and make it look better.

Board discussion:

- Stairway is narrow, difficult to carry groceries down. There is a garage entrance at the top.
- Parking
 - M. Sharman: the property includes a parcel across the street that is used for parking
 - S. Woons: we currently have parking for 5 vehicles on the parcel across the street.
 - R. Bergin: there will be parking lost in front where the addition is
 - M. Sharman: if it was determined by the Building & Zoning Dept. that parking was in the highway right of way, would you be prepared to change/expand your parking across the street?
 - G. Woons: if it effected the ROW we would.
- Lot Coverage. Existing lot coverage is 27.7% and lot coverage proposed is 31.6%. All of the area proposed for the addition is currently covered by impervious surfaces.

With no further discussion from the Board and no comments from the public, Chairman M. Sharman closed the public hearing and asked the Board to go through 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? Yes
3. Is the variance substantial? Yes, front setback and lot coverage
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

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Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variances for the proposed addition and porch. Mike Sharman made a motion to approve the application to grant area variances as presented with the recommendation that the applicant review parking to ensure that there be no parking in the highway right of way and if needed, make improvements to the adjacent lot to create additional spaces. Motion to approve. M/2/C (M. Sharman/M. Thompson) Carried: 4-0

(3) Pathstone – Turtle Rock Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, February 3, 2025, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Pathstone LLC/Creekside Clearing for area variances pursuant to Section 150-17C of the Zoning Code of Livonia. These area variances are requested for front setback and parking area setback relief from the requirement of Sections 150-35 I and 150-59 C of the Zoning Code of Livonia. The property is located at 100-1400 Turtle Rock Road, Lakeville, New York, Tax Parcel #: 65.-1-79.32, and is zoned Mixed Use District (MU). 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.

Chairman M. Sharman polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Excused
J. Prato	Yes
M. Thompson	Yes

Chairman Mike Sharman opened the public hearing and asked Pathstone Properties to come forward for the proposed renovation of existing multi-family dwellings.

Chairman Mike Sharman stated for the record:

This application was submitted to the Livingston County Planning Board for their review. They determined that it has no significant Countywide or inter-municipal impact. Approval or disapproval of this application is a matter of local option.

This application was determined to require SEQR review. It will be completed with the Livonia Joint Planning Board during the Site Plan approval process.

Jason Sackett, with Pathstone and Adam Fishel, with Marathon Engineering introduced themselves and gave an overview of the project.

- Project developed 22 years ago and looking at updating/renovating the existing units also
- They are currently in the process of a competitive State and public funding application process

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- New construction proposed is a 2-story apartment building comprised of 16 – 1 bedroom units.
- A. Fishel: 2 variances.
 - The first variance is for the front setback on the proposed apartment building. 50' is required, 44.8' is requested. The Planning Board's preference was that they comply with the parking lot separation to the building and see what that did to the front setback.
 - The second variance is for the front setback on the parking area at the Community Center/Office building. The Code reads that the parking area may be no closer than 20' to the property line. By the Building and Zoning's team interpretation, the drive aisle is included in the parking area. The setback of this area is proposed to be 12.7'. We could gain greater compliance but this would impact landscaping along the front of that building that adds character and interest.

Board Discussion:

- Parking:
 - 2 spaces per unit, 9 additional spaces at the community center. They are compliant with required spaces
 - Some spaces will be EV ready
- M. Thompson: There are three refuse spaces currently and only 2 proposed.
 - A. Fishel: new locations may be larger than what is existing and they will have to adjust the pick up frequency, but they are addressing an issue with the configuration of the area as it is hard for the hauler to get into and out of the existing spaces.
- A. Fishel: this plan is a result of multiple meetings with the Planning Board.
- The addition of these units will enable a full-time manager to be assigned directly and permanently to the site.
- M. Sharman: Occupancy rate?
 - J. Sackett: 98-100% occupancy rate
- Construction timeline and renovation rehousing plan
- M. Thompson: the office and community building is proposed to be off in the corner. Is there any way the office and community building could be separated so that interaction with residents would be more accessible? The new playground is a concern for parents as it is tucked away. Currently you can see what is happening from the front porches. It changes a lot of community use and feel.
 - J. Sackett: we submitted a rendering including the play space that includes fencing. The existing space is not meeting expectations. The new space will have a canopy and we want parents to be with their children in that space.
 - A. Fishel: we responded to this with the Planning Board. The new location means less kids have to cross the road to access the playground and they will have a sidewalk for access all the way there. This, in their minds, makes it safer.

Chairman Mike Sharman asked the Board to go through the area variance criteria:

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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? Not in the total picture. The applicant has made changes in cooperation with the Planning Board suggestions.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

With no further discussion, Chairman M. Sharman closed the public hearing and asked the Board for a motion to approve or disapprove the area variances and for recommendations to send to the Planning Board for their consideration.

M. Sharman asked about increased traffic within the development. A. Fishel stated that it did not meet the SEQR threshold.

M. Sharman would like the Planning Board to consider that and children playing out of sight of most of the dwelling units.

Mary Ann Thompson made a motion to approve the application to grant area variances as presented: a front setback of 44 feet on the proposed 16-unit apartment complex, and a front setback of 12 feet on the proposed community center/office parking area and to send the following comments to the Planning Boards for consideration:

- 16 units would appear to significantly increase traffic within this development.
- Allocating the community center and playground to the corner area, as proposed, changes the character and feel of the existing family-centered design.
- The location of the playground and office should be evaluated. Children playing out of sight of most dwelling units does not appear optimal.

Motion to approve. M/2/C (M. Thompson/R. Bergin) Carried: 4-0

With no further discussion, Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:56 p.m. M/2/C (M. Thompson/J. Prato) Motion carried: 4-0

Respectfully submitted,
Julie Holtje