

LIVONIA JOINT ZONING BOARD OF APPEALS
June 20th, 2022

Present: Chairman M. Sharman, R. Bergin, D. Major, J. Prato, B. Weber, CEO A. Backus,
Zoning Compliance Assistant Julie Holtje, Recording Secretary A. Houk

Excused: Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of June 6th, 2022***

(2) Cory Pragle – 4549 Clay Street, Hemlock, NY

(3) Richard Frank – 3838 Grayshores 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 June 6th, 2022. The Board agreed they had, and a motion was made to approve. M/2/C (J. Prato/D. Major)
Carried: 5-0.

(2) Cory Pragle – 4549 Clay Street, Hemlock, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday, **June 20, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Cory Pragle** for a Conditional Use Permit pursuant to Sections 150-17 B of the Zoning Code of Livonia. The Conditional Use Permit is requested for occupancy of a travel trailer for more than 14 consecutive days per Section 150-49. This property is located at **4549 Clay Street** Hemlock, New York, Tax Parcel # 85.-1-21.1, and is Zoned Agricultural Residential Conservation District (ARC5). 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.

ZCA Julie Holtje polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Yes
J. Prato	Yes
B. Weber:	Yes

LIVONIA JOINT ZONING BOARD OF APPEALS

June 20th, 2022

Chairman Mike Sharman asked Cory Pragle to come forward for the proposed Conditional Use Permit. Cory stated that he has a friend who visits yearly for two months. He has 18 acres that are used for his ATVs and hunting. He would like to place a fifth-wheel camper on the land, which will require water and electricity. Sewage will be contained within the trailer and will get pumped as needed. Joe asked if there would be an expiration date for this application if it were to be approved. The Board agreed that there could be conditions with the approval. Rosemary asked if the trailer was currently on site. Cory stated no, that was his camper in his driveway. Rosemary asked for clarification on the placement of the proposed camper. Cory noted that it would be placed behind the pine trees and wouldn't be visible from the road. Chairman Mike Sharman asked if the applicant's camper was used on his land. Cory stated that it is used at various camping sites. Chairman Mike Sharman confirmed the applicant would like the approval for July and August. Cory commented that was correct. Chairman Mike Sharman stated that he would be comfortable with the condition of approval for the last week in June to the first week of September. The Board agreed. Bill asked if the applicant would be comfortable coming back yearly to review the application to ensure there were no problems. CEO Adam Backus stated that the Board could request the applicant return as needed if there are any issues. Chairman Mike Sharman noted that the Board's concerns would be issues or concerns from the neighbors. Concerts and fireworks would not be approved. Cory stated that his friend would be just occupying the RV on the site. ZCA Julie Holtje asked for clarification regarding the sewage tank for the RV and if it would be in the ground. Cory stated no, it would be a surface tank pumped out as needed. It is a rental unit like those used for job sites. Bill Weber asked CEO Adam Backus if there would be any issues with that type of system. CEO Adam Backus stated that there is nothing in the Code pertaining to any requirements. Chairman Mike Sharman noted that the RV would be there for a short time and would be out of sight. Bill Weber asked for clarification regarding the Code allowing the Board to issue the Conditional Use Permit for this application. CEO Adam Backus confirmed that it would be for the approval for the Conditional Use Permit, the applicant is not seeking relief from anything, but his request could be issued with conditions. Rosemary commented that the Code states that the RV could not be occupied for more than 14 consecutive days; the applicant is requesting approval for two months. Doug Major said he would prefer to grant the C.U.P for the first year and have the applicant return next year for a review. CEO Adam Backus suggested that it could be at the discretion of the Building and Zoning office. If there are complaints, the applicant will return for a Board review. Another meeting wouldn't have to be scheduled unless there were any issues or concerns. Chairman Mike Sharman stated that C.U.P could be issued until revoked.

Chairman Mike Sharman closed the Public Hearing with no one present to speak from the public.

Chairman Mike Sharman asked the Board if there were any further questions.

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 SEQR was not required per # 13 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

LIVONIA JOINT ZONING BOARD OF APPEALS
June 20th, 2022

Chairman Mike Sharman asked the Board to go through the Conditional Use Permit criteria:

- (1) Will the proposed building or use will be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this chapter, and, where applicable, Chapter [125](#), Subdivision of Land. Yes No
- (2) Will the proposed building or hours of operation or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare? Yes No
- (3) Will the proposed building or use will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations? Yes No
- (4) Will the proposed building or use will be adequately served by essential public facilities and services?
 Yes No Electric, water & sewage tank.
- (5) Will the proposed building or use comply with all additional standards imposed on it by the particular provision of this chapter authorizing such use? Yes No
- (6) Have all steps possible been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping, and screening. Yes No
- (7) If appropriate, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the conditional use permit. Yes No N/A

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Seasonal RV during July & August. Bill Weber made a motion to approve the Conditional Use Permit as submitted with the condition that if any complaints are received, the ZBA will be notified, and the Board may consider re-approving or revoking the C.U.P at any time. The C.U.P is good for the last week in June to the first week in September. Motion to approve. M/2/C (B. Weber//R. Bergin) Carried: 5-0.

(3) *Richard Frank – 3838 Grayshores Road, Livonia, NY*

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 20, 2022**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Richard Frank** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed Manufactured Home and Garage, which will violate the front Setback requirements according to Sections 150-31G (1) and 150-71 non-conforming lots. This property is located at **3838 Grayshores Road, Livonia**, New York, and is a Zoned Neighborhood Residential District (NR). The application is on file in the Building Zoning Department in the Livonia Town

LIVONIA JOINT ZONING BOARD OF APPEALS
June 20th, 2022

Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

ZCA Julie Holtje polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	Yes
J. Prato	Yes
B. Weber:	Yes

Chairman Mike Sharman asked Richard Frank to come forward for the proposed Manufactured Home and Garage. Richard stated that there was an abandoned home there. He purchased the property, and the existing house was demolished in February of this year. He is working with AGL Homes and has everything ready to begin after approval of the Variance. He hopes to move the home closer to the road, which would infringe on the 30' front Setback. If you refer to the site plan drawing, you will note that the northeast corner of the structure would be 11' from the road, which would be equal to the neighbor's garage to the south. Rich also provided a letter from this neighbor, Kamal Sarbadhikari. He noted that Mr. Sarbadhikari also received a Variance for his garage, which is closer to the road. The purpose of this request is to stay in line with the neighbor and be aesthetically pleasing. This would also allow for less digging into the hill area. The structure will be 64' deep. Due to the slope, they will still need to dig quite a bit to accommodate the foundation. Richard also noted that due to the angle of the road, the structure would appear deeper than the neighbors by a couple of feet. Doug Major asked CEO Adam Backus to provide comments regarding the drainage plan. CEO Adam Backus stated that a reputable Engineer provided the plans. It's not pointing out a swale we like to see, but the contours are there with some retention and a drainage area. Bill Weber asked if this was a stand-alone tax parcel? ZCA Julie Holtje confirmed it was. Doug asked how wide the previous structure was. Richard stated that it was wider, and the corner of the house was located on the Sarbadhikari property. Richard noted that the old structure was much closer to the road. ZCA Julie Holtje showed the Board a survey map of the previous house, showing that the front setback was located within the right of way. With their improvements, the Lot will now be centered with plenty of room on both sides. Chairman Mike Sharman noted that with the topography, it makes sense.

Chairman Mike Sharman closed the Public Hearing with no one present to speak from the public.

Chairman Mike Sharman asked the Board if there were any further questions.

This application was determined not to require Livingston County Planning Board review per Section 239-m and 239-n of Article 12 of the General Municipal Law agreement (# 3).

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

LIVONIA JOINT ZONING BOARD OF APPEALS
June 20th, 2022

Chairman Mike Sharman 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? No
3. Is the variance substantial? Yes
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

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed Manufactured Home and Garage. Joe Prato made a motion to approve the variance as submitted. Motion to approve. M/2/C (J. Prato/D. Major) Carried: 5-0.

Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:27 pm. M/2/C (J. Prato/R. Bergin) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary