

**LIVONIA JOINT ZONING BOARD OF APPEALS  
MARCH 1, 2021**

Present: Chair M. Sharman, R. Bergin, D. Major, J. Prato, B. Weber, Code Enforcement Officer A. Backus, Zoning Compliance Assistant Julie Holtje

Excused: Attorney James Campbell, Recording Secretary A. Houk.

- AGENDA:**
- (1) Accept and approve the meeting minutes of February 1, 2021*
  - (2) Kimberly Webster – 6064 Ely Avenue, Livonia, NY*
  - (3) Perry Veterinary – 6611 Richmond Mills Road, Livonia, NY*
  - (4) Vincent Catapano– 5878 Big Tree Road, Lakeville, NY*

Note, Public Meetings (Covid-19) precautionary policies were followed to the best of our ability and included:

- Applicants would typically be asked to wait in their vehicles until instructed to enter the building; however, the attendees at this meeting were able to maintain social distancing and wore face coverings.
- Hand sanitizer was made available at the entrance of the town hall.
- Meeting room occupancy was restricted to no more than 50% of the maximum occupancy (or 48 persons). Less than 48 persons attended this meeting.

Chairman Mike Sharman brought the meeting to order at 7:04 p.m. and opened with the Pledge of Allegiance.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from February 1, 2021. The Board agreed they had and Chair Mike Sharman asked for a motion to approve. M/2/C (B. Weber/ D. Major) Carried: 5-0.

***(2) Kimberly Webster – 6064 Ely Avenue, Livonia, NY***

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **March 1, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Kimberly Webster** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 24' X 23.4' and 10' x 28.2' Garage addition, which will violate the front (15' instead of 30'), and side (4' instead of 9') setback requirements according to Sections 150-31G (1 & 2), and 150-71. The proposed structure also violates the maximum lot coverage requirement of 25%, according to Section 150-31F. The existing lot coverage is 18.4%, and the proposed lot coverage is 28%. This property is located at **6064 Ely Avenue, 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.

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Zoning Compliance Assistant Julie Holtje polled the Board for site visits:

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

Chair Mike Sharman asked Kimberly Webster & Ralph Dellarocco to come forward and address the Board. This application is for a proposed 24' X 23.4' and 10' x 28.2' Garage addition.

Kimberly stated that when she purchased the home there was not a garage. She has two vehicles, and would also like some room for storage since there is no basement. Ralph Dellarocco stated that they will be planning a wedding soon and he will be selling his home in Greece and the couple will live at 6064 Ely Avenue year-round. The proposal is to construct an 834 Sq. Ft. Garage Addition. The construction highlights would be wood construction, concrete floor and vinyl siding. He is proposing a Bio-Swale to protect neighboring properties, in addition to a Rain Garden. In blending in with the character of the neighborhood, across the street there is a Garage that is approximately 29' from the edge of the road. Their proposed Garage will be approximately 34' from the edge of the road. The front of the Garage would set back approximately 4' behind the neighboring property located to the west. There is an area of 13' 4" that used to be a Garage years ago, but has since been converted into living space. The proposal for the Garage is to be 23' 4" across by 24' long, this would leave about 34' from the edge of the Garage to the road. The section in the back of the Garage would be used for storage since the house doesn't have a basement. The front of Garage will have a gable roof with a 4-12 pitch, and will have two garage doors. The storm water management plan is proposing to take the run off from the roof and asphalt, and dump it into a Bio-Swale. The Bio-Swale would run along the western border of the property between the neighboring property and the side of the garage. From the Bio-Swale, the water will move to the south into a Rain Garden that will have vegetation and rock to slow the water down and let it permeate into the soil. Ralph has a back ground of Mechanical Engineering, and has taken several classes and obtained certification through New York State. He has done a fair amount work involving storm water management.

Rosemary Bergin asked for confirmation that it will be a one-story garage space, and asked if there were future plans to convert that to living space. Ralph confirmed that it would be a one-story Addition. The house is about 1500 Sq. Ft. and there are no future plans to convert the Addition into living space. Doug Major asked for clarification regarding the roof line. Ralph stated that the roof line will continue heading west. Doug asked if drainage is currently a problem. Ralph stated that the road has a steep hill and the water flows down from East Lake Road. The driveway is sloped in the wrong direction and water runs off towards the neighbor's property. Ralph stated that beyond the Bio-Swale and Rain Garden, they have plans to tear out of the existing driveway. They will grade that area so its flat, which will help to slow the water down. When the water runs off the driveway, it will then go into the Bio-Swale which will slow the water down, and then into the Rain Garden.

Joe Prato asked for clarification on how far away the new garage was going to be from the neighbor's property. Ralph explained that the front of the Garage will be approximately 32' from the edge of the road and will be 4' behind the edge of the neighbor's house to the west. Doug Major asked if he has discussed the proposal with his neighbors. Ralph stated that they had talked over the summer but not in detail about their plans. Chairman Mike Sharman stated that the storm water retention and detention plan seems well thought out. Ralph stated that when he was taking classes,

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they had studied a very large hill near East View Mall which was a major concern to the community. One of the case studies was how they reverse fly-cut the whole hill. They were negative cuts that sloped backwards. When the water came off the hill, it was channeled down with the reverse fly-cut throughout the whole hill, which slowed the water down. By the time it got to the bottom, the water was gone. CEO Adam Backus stated that water and drainage issues have been a concern in this area. Storm water management is very important to the Board and we welcome any advice or assistance he could provide for that area.

Chairman Mike Sharman opened the meeting up for questions from the public regarding the proposed Garage.

James Semple of 6058 Ely Avenue stated he was worried about the water issues from the proposed Garage. He currently has standing water on his property until the middle of April. Water flows down Ely Avenue from East Lake Road. He is satisfied with their storm water management plan. As long as he doesn't get any more water on his property, he has no objections to the proposal.

Barb Heath of 6054 Ely Avenue stated that she has the same concerns regarding the storm water. Water runs down Ely Avenue. She has had flooding issues, and water comes up to the bottom of her house. She had to have a sump pump installed to remove the water. As long as the applicant has a plan to address the storm water, she has no objections to his proposal.

Chairman Mike Sharman closed the Public Hearing.

CEO Adam Backus stated that Building & Zoning is working with the Town's Engineer, Clark, Patterson Lee to provide cookie cutter examples for applicants to use for water that is being displaced. These examples will show how much of a retention/dry well basin you would need to account for that. It's not done yet, but we will be pleased to offer applicants these examples to assist with their projects in different soil environments. One we thought would be good for the Lake area, where you have a high-water table, one for the village and a general plan for any other areas.

Bill Weber asked in regard to water management, would a typical system be implemented prior to construction so we know it will function properly. CEO Adam Backus stated that the storm water management would be a condition of the permit. A Certificate of Compliance wouldn't be issued until everything was in place and functioning properly. Bill asked Ralph if some of the storm water management plans would be initiated prior to beginning construction. Ralph stated that once the structure was built, he would dimension the edge of the structure, have the gutter system in place, and then route the water to the proper location. He plans to start the digging for the system right away. Bill asked the location for the system. Ralph stated that the Bio-swale will run the length of the house and the Rain Garden would be behind the house. The Rain Garden will look like a vegetation garden with plants and shrubs. CEO Adam Backus stated that if the Board looked favorably on the proposal, a condition could be that the storm water management be implemented prior to any construction. He would not issue a Permit for any expansion without the storm plan in place. It is a reasonable provision that storm water management be put into place prior to any disturbances. Bill stated that 4' is pretty close to a property line without any water concerns. He questions that with the 4' setback, and having that

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4' be a part of the water management plan, is the 4' enough room? Ralph stated that it is a ratio of square feet and since it will be so long, felt that the 4' was enough. James Semple stated that the water management has to come first so he doesn't get anymore water to his property.

This application was determined to be a Type II action, and SEQR was not required per # 12 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

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

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 be 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 of impact on the physical or environmental conditions in the neighborhood? No – As long as the storm water is mitigated.
5. Is the alleged difficulty self-created? Yes

CEO Adam Backus stated that as a condition of the Building Permit and Fire Code, the structure is required to be fire rated as it is less than 5' from the property line. Chairman Mike Sharman stated that this refers to any construction on the west boundary. Ralph stated that during the review with ZCA Julie Holtje, she pointed out that he only had 4'3" to the property line. She pointed out that the fence is over on his property, and that he took the dimension from the fence. It is actually about 5' from the property line. CEO Adam Backus stated that it needs to be Fire rated or show that it is 5' or more away.

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed 24' X 23.4' and 10' x 28.2' Garage addition. Motion was made to approve the application as submitted with the condition that the Storm water management system is approved by CEO Adam Backus. The Storm Water management plan is to be in place prior to construction of the Garage Addition. Structure is to be 5' or more from property line, or fire rating is required. Motion to approve. M/2/C (B. Weber/J. Prato) Carried: 5-0

***(2) Perry Veterinary – 6611 Richmond Mills Road, Livonia, NY***

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a Public Hearing on Monday **March 1, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Perry Holding Company, LLC – Perry Veterinary** for a Conditional Use Permit pursuant to Sections 150-17 B of the Zoning Code of Livonia. The Conditional Use Permit is requested for a proposed 6700 Sq. Ft. Veterinary Clinic

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per section 150-31 D (11). This property is located at **6611 Richmond Mills 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.

Zoning Compliance Assistant 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 Robert Bausch of Perry Holding Company, and Nicole Cullen, Civil Engineer of Clark Patterson Lee Engineering to come forward and address the Board for a proposed Conditional Use Permit for the 6700 Sq. Ft. Veterinary Clinic. Also present was Dr. Peter Hecht, managing partner and DVM's Jessica Litterer and Angela Sleeper of Perry Veterinary. Nicole of CPL stated that the 6700 Sq. Ft. Vet Clinic will include surrounding sidewalks, landscaping and parking for roughly 42 spaces. A landscaping and stormwater management systems that will go along with that. Bob Bausch explained the layout of the building. They were hoping for a double curb cut, but the D.O.T is only allowing one. There will be a service entrance on the outside of the building and in the back portion of the property, and possible future development for treatment of Horses, Goats and Pigs, no dairy cows. With any Veterinary Clinic you want to give the highest level of medicine. This location is modeled after the Batavia office. The Clinic needs to have safety, security and privacy. The Building is designed to separate the animals continuously throughout the process. When clients enter the driveway there will be client parking with a front door to enter the building. When you check in with the receptionist's, there will be two separate check-in areas separated by partitions. Proceeding down through the building there will be separate areas with partitions to keep the animals separated. They will be five exam rooms, and a comfort room for pets that need to be put down. There will be a separate entrance/exit for those needing the comfort room. Proceeding past the exam rooms, there will be a pharmacy area where the doctors can write the prescriptions. The checkout area is also separated by partitions for safety and privacy as you exit the building. In the middle of the building there will be a treatment room with four large exam/procedure tables. A dental suite with x-ray's, an imaging suite for x-rays and ultrasound, followed by a long hall way facing west. There will be two surgical suites and lab area, along with a doctor's offices for consultations. There will be four wards for the animals, Cat, small dog, and a large dog area with inside runs. Outside there is a small dog walking area and an isolation ward with a separate entrance. There is a clean room area for cleaning supplies and laundry. They will also have an employee lounge with separate bathrooms. The front of the building was designed to keep the character of the Neighborhood Residential district. They control all the noise to inside the building, except for any animals entering or exiting the building. Future plans include a separate building in the back to accommodate large animals coming in on trailers. They will pull into the building located in the back, have their treatment and pull out to exit the property. Nicole Cullen of CPL stated that as Bob has explained that the internal layout of the building is specifically designed to keep animals separate. There is a "U" shaped entrance where clients enter in one door, follow the process around and exit out another

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door. For the external portion of the building, all the sidewalks and parking lots are built off from the interior. The main parking in the front will provide parking for all the clients. All parking on the east side will be for the comfort suite clients, and employee parking. To keep the traffic flow smooth, there is the traffic loop in the front of the property which can be utilized for large animals coming in trailers prior to the future development. Deliveries would come to the west side of the building, and could utilize the loop when exiting. On the sides, they have provided a heavily planted buffering space that is 20' wide to provide closure from the side lights and prevent car lights onto the neighboring property. Tree plantings will be in the front, center and around the parking area. They will use shade trees and native plantings that will flower in the spring. They are proposing two Bio-Retentions, one Detention Pond and a dry swale along the side to cover the storm water. They will also be completing the SWPPP later on once the plan has been approved.

Bob Bausch provided an overhead view of the site, showing the church and neighboring house and barns with farm fields across the street. They have tried to fit in as much as possible with the neighborhood. Rosemary asked if they have had any response from the neighbors to the east. Bob Bausch stated that have not heard anything from the neighbors to the east. The farmer who subdivided and sold them the parcel was aware of their plans. Nicole noted that they have planned the building to be located well back behind the farm house.

CEO Adam Backus stated that he wanted to summarize points that were made at previous meetings. One was whether this would be considered a Kennel, and do they need to be 100' from the property line. We are comfortable saying that this professional services office does not meet the intent of a Kennel, and any animals that go out will be brought out by a handler on a leash, and brought back inside the Clinic. The dog walkway will not be used in a way where dogs are outside barking all night. Chairman Mike Sharman asked the applicant if there will be any dog boarding. Bob Bausch stated there will not be dog boarding. It is treatment and recovery, and then animals are sent home. Very few animals spend the night. CEO Adam Backus stated that the Town Board has changed the Zoning to allow professional service offices to be possible, and they intended that both Planning & Zoning Boards are involved in the Site Plan approval and issuance of a Conditional Use Permit. This was intended to make sure something like this doesn't get out of control. Some suggestions that have been brought up internally were to consider moving the pavement back inline with the church. Questions whether the loop is necessary when they are proposing all the parking spaces. Parking trailers in the front section and blocking car parking when their future plan is to have trailers pulling to the back of the property. If the loop is necessary now, can it be removed once the future development is done? ZCA Julie Holtje added onto what CEO Adam Backus said, in front of the Planning Board it was stated that the loop was added on to accommodate treating larger animals until the building in the back was completed. As we looked at the change in Zoning to allow for professional offices in NR district, it lists Doctors, Lawyers, Architects and Veterinary offices. Treating animals in the front doesn't seem to agree with the professional office. Maybe we should consider not allowing the loop in front of the parking lot, but instead extending the pavement to the rear of the building to where animals could be seen, and then exit out and around from there as is proposed in the second phase.

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CEO Adam stated that the Code and the Comprehensive Plan call for sidewalks from the Village to Livonia Center. We understand that that Perry Vet doesn't want a sidewalk "to nowhere", but when the time comes for the sidewalks to be implemented, that item needs to have been already addressed. At the very least, the applicant needs to agree to provide provisions now, and be financially responsible when they are needed in the future. Chairman Mike Sharman stated that the Comprehensive Plan's goal is to make this a walking community. The applicant has already provided an Easement for the Sidewalks. How much of a financial burden is it expected to be? Nicole Cullen stated that the area is over 300'. Rough estimate on a sidewalk is \$37.00 per linear foot. CEO Adam Backus recalled that when the Hemlock sidewalks were recently implemented, the cost was approx. \$28.00 per linear foot. Chairman Mike Sharman stated that the sidewalks would cost Perry Vet approximately \$10,000. Bob Bausch stated that they would also be responsible for the maintenance costs. From the Perry Vet owner's standpoint, they have agreed to push the building back, and are in agreement for the right of way for the sidewalks. They are also willing to commit to be financially responsible for implementing the sidewalks. Rosemary Bergin noted that there aren't many cases where someone would walk to a Veterinary Clinic. CEO Adam Backus stated that the Comprehensive Plan considered this exact situation. It is important for the overall goal which is to connect the Village with Livonia Center. Perry Veterinary is responsible for that sidewalk. It makes sense at this point to make provisions to have sidewalks implemented, and an agreement to be financially responsible.

CEO Adam Backus asked for clarification regarding shifting their proposed 8'. Nicole Cullen stated that everything will be shifted to the north. Doug Major asked how far north do they own. Nicole Cullen referred to the Site Plan map and stated that it is a 5-acre parcel. Bob Bausch stated as far as the loop goes, it's a safety issue not to crisscross the cars in the parking lot holding animals. Chairman Mike Sharman stated that the animals coming in trailers won't be on site for very long, and is in favor of having a loop somewhere so trailers aren't trying to back up to exit the property. Dr. Peter Hecht stated that it is rare to have an animal trailer more than once a month. Rosemary Bergin asked about fencing. Bob Bausch stated that there will be fence on the west side for the dog walking area. Bob also noted that they will have four mechanical systems that will keep the facility smelling fresh and clean. There will be some landscaping around those units.

Bill Weber wanted to discuss the sidewalks. The Town Board re-zoned this location and one of the conditions were that it have sidewalks implemented as it got developed. He grew up in Greece and there was never a sidewalk on Ridge Road once you got out past Elmgrove Road. For every car dealership, they had a sidewalk that went nowhere. Now there are sidewalks all the way to Manitou Road. As business have been development, the sidewalks are now all connected. Bill stated that he assumes that the cost of this project is going to be substantial. Having to spend \$10-15,000. for the cost of the sidewalk, which is required will not negate the project. He does not feel it's a financial burden. If the sidewalks were not part of the proposal, he feels the applicant would need to have a separate Public Hearing for a Variance to the Comprehensive Plan, which states you have to implement sidewalks and that you don't want to supply them. Chairman Mike Sharman asked the applicant how they feel about the sidewalks. Dr. Peter Hecht stated that he doesn't believe it will be a deal breaker, and he enjoys to walk himself. He felt it would look silly with a sidewalk to nowhere. He would hate for that to break the deal and felt as a partnership, they would not be opposed to implementing sidewalks if the

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Town feels it's necessary. ZCA Julie Holtje stated that Comprehensive Plan also addresses implementation and understands its better to do as a whole project, like they did in Hemlock, but that this was important enough to be identified as building blocks to be implemented immediately. CEO Adam Backus stated he did consult with citizens and members of the Town Board regarding the sidewalks. They just completed sidewalks in Hemlock, and will be proposing them in Lakeville. Sidewalks are important to the Town and they are committed to having them implemented. Sidewalks are a big deal, people from around the area enjoy walking around the sidewalks and trails. Joe Prato stated that he previously lived on Kathryn's Way, and he & his wife would use the sidewalks all the time. Bill Weber stated that where he used to live, he would walk his dog to the vet's office. Dr. Jessica Litteer asked if they completed the sidewalks now, would there still be a gap in from the church? Chairman Mike Sharman stated, yes there would be. CEO Adam Backus stated that the goal is the have the sidewalk.

Bill Weber stated that it appears there will be a 15' setback from the parking on the west side by the church. Nicole Cullen stated that there is a 15' setback on each side of the property line. Its actually more than 15' to the parking area. Bill asked, based on the calculations in relation to snow removal, to confirm that the snow will not get pushed up into the drainage area for the church. Nicole Cullen stated that it would not. ZCA Julie Holtje stated that she has scaled 22' from the edge of their parking area to the property line.

Chairman Mike Sharman opened the meeting up for questions from the public. With no one wishing to comment, Chairman Mike Sharman closed the Public Hearing.

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

Bill Weber requested the applicant provide an answer regarding the sidewalks. Dr. Peter Hecht stated that he felt that this will not be a deal breaker, and the partnership would be in acceptance of putting in the sidewalks. Bill Weber stated that as the Board acts on this proposal tonight, it is with the assumption that the sidewalks will be part of this plan, and meet the Town's Design Criteria.

Chair M. 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

**(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. - No

Bill Weber asked what the hours of operation were – Bob Bausch stated that they will be Monday through Friday from 7am to 6:30pm, Saturday 7am-3pm and closed Sundays.



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(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

(4) Will the proposed building or use will be adequately served by essential public facilities and services. – Yes, LCWSA has confirmed services will be implemented.

(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

(6) Have all steps possible have 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

(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. – N/A, it is part of the approval.

M. Sharman asked the Board for a motion to approve or disapprove Conditional Use Permit for the proposed 6700 Sq. Ft. Veterinary Clinic. Motion to approve as presented with the following changes noted. The property will be shifted to the north to line up with the church. Sidewalks are included in this project from the east property line to the west property line. Motion to approve. M/2/C (B. Weber/R. Bergin) Carried: 5-0

**(3) Vincent Catapano – 5878 Big Tree Road, Lakeville, NY**

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **March 1, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Vincent Catapano** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 20' x 24' Attic Addition over Garage, which will violate Sections 150-31 G (2) & 150-71, Side Setback, 9' required (7.8' proposed), and Section 150-70 A (2), extension of a non-conforming building. This property is located at **5878 Big Tree 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.

Zoning Compliance Assistant Julie Holtje polled the Board for site visits:

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

Chair Mike Sharman asked Stella McCall, co-owner, and Architect Tim Brinduse of TAB Design to come forward and address the Board. This application is for a proposed 20' x 24' Attic

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Addition over Garage. Tim Brinduse stated that they are looking at two variations of what could be done. The project will be done in three phases. The first phase requires a Variance, as they have a pre-existing non-conforming lot. Its 47' wide at the road and the 60% rule applies to the 15' side Variance, which is labeled 10', but is actually 9'. The existing Garage is over that property line. The home is only approximately 800 Sq. Ft. The owners live here year-round and they are in need of storage. The Garage is a little over 24' X 24'. Phase one is to tear the old roof off the garage and build a new roof structure. The new roof area would be rafters, not trusses, so they could have pull down stairs to access attic storage. Phase two would be a new addition to connect the house to the garage. That would roughly double the size of the house. They are proposing two options. The first option, they could have a 9' setback and would not need a Variance for the proposed Addition. With this option it would have a roof line that would go in and out and not look very pleasing. Option 1 is asking for a Variance to put the new roof on the existing garage. Option 2, they would like to take the existing garage roof and put a new roof structure on it and connect the whole structure that would look more pleasing. Tim Brinduse stated that it is a good size lot for how small the house is. If you look at Lot Coverage, its currently not even at 10%, and way under the 25% requirement. If there were no Variance and jog the roof back and forth, it would be at 18% Lot Coverage. In option 2, the future Addition would be a little bigger, and the Garage would shift. That would have a Lot Coverage at approximately 19%. They are asking for relief for the Side Setback. The new Addition would be about 7-1/2' from the property line, instead of 9'. The owners would prefer option two. They have a lot of things in storage and would like to be able to have their own storage on their property. The new Addition, which is not fully designed yet would consist of a master bedroom suite and another bedroom. Possibly another entrance into the house, and a little mud area. The Addition would be one story.

Chairman Mike Sharman clarified that the new proposed Addition will come off from the east side of the exterior of the house, where it indicates on the map 8.8', and follow that straight north. Tim Brinduse stated that they are still planning this out, so there may be a little porch or recessed area, all of it would meet the east side Setbacks. Chairman Mike Sharman stated that on the west side it is less of a violation as it progresses north. Tim Brinduse confirmed, that was correct. Chairman Mike Sharman asked where the future Addition comes into play? Tim Brinduse stated that would be the second phase of the construction. The idea is that the house is only 800 Sq. Ft. for two people and they would like to connect it to the garage. Tim Brinduse stated that they are also planning for a future two car Garage. The existing Garage will become a Woodworking shop that is a hobby, not a business. Chairman Mike Sharman asked what would the percentage of Lot Coverage be with the proposed two car Garage. Tim Brinduse stated that the property is slightly over 0.288 acres, about a ¼ acre. They did not measure to the center of Big Tree Road, they measured to the right of way. Its about 14,000. Sq. Ft. With the proposed future development, Lot Coverage will be at about 19%. ZCA Julie Holtje asked Tim Brinduse if they counted the existing Deck? Tim stated that they did not. Counting the Deck, proposed Lot Coverage would be 23.5%.

Chairman Mike Sharman stated that for the record Board received a letter from the neighbor, Gerald & Charlene Pressler who own the adjacent property located at 5874 and 5876 Big Tree. The letter states that they have discussed the proposal with Vincent and it will not obstruct their view of the Lake, and will enhance the privacy between their properties. It was noted that the other neighbor, the Giordano's were in Florida for the winter. Mr. Catapano was not personal enough to have their phone number. Stella McCall, co-owner of 5878 Big Tree Stated that they are located on the west side and the neighbors house is located closer to their line, and that the neighbor's yard is facing the other way.

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Bill Weber stated that the Public Hearing was for the Addition over the Garage, the existing Garage and to extend a Non-Conforming use. ZCA Julie Holtje confirmed. Bill Weber stated that they would not be able to address anything other than what was listed in the Public Notice. Tim Brinduse stated that what they are really there for is the Variance to make the Non-Conforming structure a little taller. They added the other plans shown to the Board what they would like to do in the future. Chairman Mike Sharman asked if there are plans to have a kitchen or any plumbing? Tim Brinduse confirmed that the use will be for storage only. Chairman Mike Sharman confirmed that the Board can only act on what was advertised in the Public Notice. Bill Weber clarified that the application the Board is addressing is the existing Garage, same size foot print only going up approximately 10'. Tim Brinduse agreed, and stated that they will be well under the 35' height maximum. No cantilever, no plumbing, kitchen or living space and strictly for storage.

Chairman Mike Sharman opened the meeting up for questions from the public regarding the proposed Garage.

Charlene Presler stated that the proposal will not affect their view of the Lake and that it will enhance the privacy between them.

Chairman Mike Sharman closed the Public Hearing.

This application was determined to be a Type II action, and SEQOR was not required per # 12 of the New York Codes, Rules and Regulations 617.5 Type II Actions.

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

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 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? No
5. Is the alleged difficulty self-created? Yes

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed 20' x 24' Attic Addition over Garage. Motion was made to approve as submitted. Motion to approve. M/2/C (R. Bergin/D. Major) Carried: 5-0

Chair Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:57pm. M/2/C (B. Weber/R. Bergin) Motion carried: 5-0

**LIVONIA JOINT ZONING BOARD OF APPEALS  
MARCH 1, 2021**

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Respectfully submitted,  
Alison Houk, Recording Secretary