

LIVONIA JOINT ZONING BOARD OF APPEALS
APRIL 19TH, 2021

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

Excused: CEO A. Backus, Mike Sharman, Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of March 15, 2021***

(2) Michael Sentiff – 5204 East Lake Road, Livonia, 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 Bill Weber brought the meeting to order at 7:03 p.m., and opened with the Pledge of Allegiance.

Chairman Bill Weber asked if everyone reviewed the meeting minutes from March 15, 2021. The Board agreed they had and a motion was made to approve. M/2/C (R. Bergin/D. Major) Carried: 4-0.

(2) Michael Sentiff – 5204 East Lake Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday **April 19, 2021** at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of **Michael Sentiff** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed 1962 Sq. Ft. Dwelling that will be constructed on the existing foundation, which will violate the front setback (10' instead of 30'), side (south) (5.8' instead of 9'), and rear (14' instead of 18') setback requirements according to Sections 150-31G (1, 2 & 3), 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 27%, and the proposed lot coverage is 27%. This property is located at **5204 East Lake 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.

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ZCA Julie Holtje polled the Board for site visits:

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

Chairman Bill Weber asked Michael Sentiff and Contractor Allan Wallace to come forward to address the Board for the proposed 1962 Sq. Ft Single Family Dwelling. Allan stated that the existing house is in disrepair and needs to be completely rebuilt. They are requesting to rebuild the home on the existing footprint and foundation which will save the homeowner some money. They will be rebuilding the house as it currently exists except adding additional square footage to the second floor on the east side of the home. The new home will be a year-round residence. 400 Sq. Ft. will be the new space added to the second floor. Their proposal will not have any negative effect on the neighborhood. Allan stated that they would also like to replace the existing Deck located on the front, (north side) of the house. It is approximately 10' out, and runs across the front (north) side of the house. Doug Major stated that currently the Deck extends partially on the east side as well, and asked if he plans to extend the new Deck on the east side. Allan Wallace stated that the reason it goes slightly to the east side, is that is where the landing and stairs are located. Allan stated that everything would be reconstructed to what is currently there now. Rosemary Bergin asked what the square footage was for the house that will be torn down? Allan stated it is approximately 1400-1450 Sq. Ft., and they are proposing a 1962 Sq. Ft. on the same foundation. Joe Prato asked for confirmation regarding the Decks. Allan stated they will remain the same dimensions as they are now. Chairman Bill Weber asked if the Deck located on the north side will be rebuilt? Allan stated that it will be, and constructed exactly the same size as it is currently. Chairman Bill Weber stated that if we have an as-built survey done after completion, the survey will look the same as it is today. Allan stated that was correct. Relating to the Deck, Allan stated that before anything was built, he would have Land Surveyor Barry Carestio lay everything out including setting the corners. In the back of the house where there was a fireplace, they will need a new foundation section where the points are joined because some of it is very old and falling apart. It will be the same footprint to what is currently there. They will have to determine once the house is torn down, whether they could do a slab using the existing foundation block. They could remove 6" off the block that is currently there now, and add a new block or two to raise the house up. ZCA Julie Holtje noted that the existing Deck was included in the Lot Coverage calculation. Doug Major asked ZCA Julie Holtje when she calculates the percentage of Lot Coverage, and the second floor extends out past the foot print, is that area also counted. ZCA Julie Holtje stated that it is not counted. They try to stay consistent with the survey map. If they do show an overhang, that would be counted in. Allan stated that there are no overhangs or cantilever that would extend over the foot print. Rosemary Bergin asked if they considered building a smaller home? Michael Sentiff stated that they are building on the existing foundation in order to try to save some money. Rosemary stated that the current structure seems like a lot of building. Allan explained that when you walk

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down the stairs you will see a roof that is lower, and that is one story. If you look up, you can see the second story. The second story extends toward the road. Chairman Bill Weber stated that the proposed house will be all two story, except for lakeside. Chairman Bill Weber asked for clarification on the one-story section. Michael Sentiff stated that was correct and came forward to explain the drawings to the Board.

Chairman Bill Weber open the Public Hearing. He requested that anyone who wished to speak state their name and address for the record.

Tom Morgan located to the south at 5208 East Lake Road stated the he was curious if the existing two story was going to be taken down, or just the one story located by the road. Contractor Allan Wallace stated that the whole house is coming down to the top of the foundation, and will be re-built. Tom asked what the duration of the project was? Allan stated tearing down will take approximately one week, and rebuilt will be approximately four months. The working days will typically be six days a week.

Mike Culotta of 5182 East Lake Road located to the north asked if there was an existing Garage, and if there were any plans for that. Michael Sentiff stated that the existing Garage will remain the same except he will be replacing the roof shingles.

With no further questions, Chairman Bill Weber closed the Public Hearing.

Chairman Bill Weber asked the Board if there were any further questions.

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 Bill Weber 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? 3- No/Yes-Rosemary
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
5. Is the alleged difficulty self-created? Yes

Chairman Bill Weber asked the Board for a motion to approve or disapprove the Area Variance for the proposed 1962 Sq. Ft. Single Family Dwelling. Doug Major made a motion to approve

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the Variance as submitted. Motion to approve. M/2/C (D. Major/J. Prato) Carried: 3-0/
Rosemary Bergin - Nay

Chairman Bill Weber asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at
7:28 pm. M/2/C (R. Bergin/D. Major) Motion carried: 4-0

Respectfully submitted,
Alison Houk, Recording Secretary