

LIVONIA JOINT ZONING BOARD OF APPEALS
AUGUST 7TH, 2017

Present: Chair P. Nilsson, R. Bergin, G. Cole, M. Sharman, B. Weber, Code Enforcement Officer-A. Backus, Recording Secretary-A. Houk.

Excused: Attorney J. Campbell

- AGENDA:**
- (1) No Meeting Minutes to approve.***
 - (2) Valerie Singleton – 7200 Adams Road, Hemlock, NY***
 - (3) Scott Smith – 6479 Cleary Road, Livonia, NY***
 - (4) Michael Ward – 5748 Big Tree Road, Lakeville, NY***
 - (5) Hook & Spoon – 5870 Big Tree Road, Lakeville, NY***

Chair P. Nilsson brought the meeting to order at 7:00 p.m...

- (2) Valerie Singleton – 7200 Adams Road, Hemlock, NY***

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday August 7th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Valerie Singleton for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed Pool & Deck which will violate the rear setback requirements according to Section 150-33G (3) This property is located at 7200 Adams Road, Livonia, New York and is zoned Agricultural Residential Conservation – 5 (ARC-5) 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.

CEO A. Backus polled the Board for site visits:

Chair P. Nilsson:	Yes
R. Bergin:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Yes

Chair P. Nilsson asked Valerie Singleton to come forward and address the Board to explain what she is proposing to do. V. Singleton stated that she owns 1 acre of land, and is requesting to place a 16' X 32' X 54" pool and a 14' X 24' Deck behind her house. The deck will be between 10'-12' from the rear property line. The variance is needed because she will be less than the 30'

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rear setback requirements. Behind her home is an open field, one side is owned by Ronald Brisbane and the other side is a creek. She would like to be able to walk out her back patio door to the deck and pool. She is unable to put the deck & pool on the west side due to the raised bed septic tank and leach lines. The east side would be closer to the neighbor's privacy fence. Chair P. Nilsson asked if there were crops planted in the field behind her house. V. Singleton stated she has lived there for ten years and the field has always had hay planted. She spoke to the land owners and they have no objections to her proposal.

Chair P. Nilsson opened the meeting up for questions from the public. Chair P. Nilsson asked that they state their name & address for the record and state their questions or concerns. Not hearing any responses, the Public Hearing was closed

Chair P. Nilsson asked the Board if there was any further questions. Being none Chair P. Nilsson 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 deterrent 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
5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked the Board for a motion to approve the proposed pool & deck as presented. M/2/C (M. Sharman/R. Bergin) Carried: 5-0

(3) Scott Smith – 6479 Cleary Road, Livonia, NY

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday August 7th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Scott Smith for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed Porch which will violate the front setback requirements according to Section 150-33G (1) and the expansion of a non-conforming building according to Section 150-70A (2) This property is located at 6479 Cleary Road, Livonia, New York and is zoned Agricultural Residential Conservation District (ARC-3). 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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CEO A. Backus polled the Board for site visits:

Chair P. Nilsson:	Yes
R. Bergin:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Yes

Chair P. Nilsson asked Scott Smith to come forward and address the Board to explain what he is proposing to do. S. Smith stated that he is requesting to replace the existing Deck because it is old and rotted. The new deck will be 300 Square Foot. M. Sharman stated that he spoke to Mr. Smith's neighbor, John Williams and he was in favor of the proposal but did not attend the meeting.

Chair P. Nilsson opened the meeting up for questions from the public. Chair P. Nilsson asked that they state their name & address for the record and state their questions or concerns. Not hearing any comments, Chair P. Nilsson closed the Public Hearing.

Chair P. Nilsson asked the Board if there was any further questions. Being none Chair P. Nilsson 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 deterrent 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
5. Is the alleged difficulty self-created? Yes

Chair P. Nilsson asked the Board for a motion to approve the proposed Porch as presented.
M/2/C (G. Cole/M. Sharman) Carried: 5-0

(4) Michael Ward – 5748 Big Tree Road, Lakeville, NY

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday August 7th, 2017 at 7 p.m. at the Livonia Town Hall, 35

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Commercial Street, Livonia, New York to consider the application of Michael Ward for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed addition & garage which will violate the side setback requirements according to Section 150-31G (2) and for the expansion of a non-conforming building which violates Section 150-70A (2). The variance is also requested for a driveway clearance according to Section 150-131C. This property is located at 5748 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.

CEO A. Backus polled the Board for site visits:

Chair P. Nilsson:	Yes
R. Bergin:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Yes

Chair P. Nilsson asked Michael Ward to come forward and address the Board to explain what he is proposing to do. M. Ward stated that they have been renting the home for about four years and are now planning to purchase it from his relation. The family is growing and they are expecting their second child next week. Their request is to put a 1032 Square Foot Addition and a 20' X 24' Garage. They are also requesting a driveway clearance from the new garage to Pebble Beach Road, which will be safer than the current driveway off Big Tree Road. The new addition will be located off the back of the existing dwelling. Placing the addition at this location will be within the 15' minimum setback requirement. They will be removing three trees for this addition, but feel it will be an improvement to the home. M. Sharman asked if the two lots were combined to create one parcel. M. Ward stated that they were.

Chair P. Nilsson opened the meeting up for questions from the public. Chair P. Nilsson asked that they state their name & address for the record and state their questions or concerns. Not hearing any responses, Chair P. Nilsson closed the Public Hearing.

Chair P. Nilsson asked the Board if there was any further questions. Being none Chair P. Nilsson 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 deterrent 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

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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 P. Nilsson asked the Board for a motion to approve the proposed addition and garage as presented. M/2/C (B. Weber/R. Bergin) Carried: 5-0

(5) Hook & Spoon – 5870 Big Tree Road, Lakeville, NY

CEO A. Backus read the Public Notice:

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday August 7, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Hook & Spoon for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed Sign which will violate requirements according to Section 150-97-C (1). This property is located at 5870 Big Tree Road, Livonia, New York and is zoned Waterfront Development District (WD). 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.

CEO A. Backus polled the Board for site visits:

Chair P. Nilsson:	Yes
R. Bergin:	Yes
G. Cole:	Yes
M. Sharman:	Yes
B. Weber:	Yes

Chair P. Nilsson asked Greg Kavanagh, General Manager and owner Allison DeMarco to come forward and address the Board to explain what they are proposing to do. G. Kavanagh stated that they are asking to replace the North Shore Grill sign with Hook & Spoon. The North Shore Grill was granted a variance for the sign for the setback requirements. They have provided a rendering of the new sign, which they feel is in character with the neighborhood and will be an improvement. The variance is requested because the new sign exceeds 20 Square Feet per side. The sign will be 1-1/2” black pipe circle frame with stainless steel pieces that create a fish. The post will be coming from Raphael Cratsley and will be reclaimed barn wood. The name “Hook & Spoon” will appear at the top of the sign in stainless steel letters. A. DeMarco stated that the sign was created by Artist James Seaman, who also created the Eagle at the Montezuma Wild Life Center. It is a cultural sign that will be proportionally correct and provide an open feel like, a well done sculpture. Since it will be see through, it is like a piece of art and will enhance the space. A. DeMarco provided an updated rendering of the sign for the Board members review.

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The sign will occupy the same location as the North Shore Grill sign. The lighting will remain the same.

M. Sharman asked what the square footage of the old sign were. CEO A. Backus stated that it was slightly under 20 square foot. A. DeMarco clarified the dimensions of the proposed sign. The posts are 10' tall. The lettering at the top, "Hook & Spoon" is at approximately 9' tall. CEO A. Backus asked if they plan to keep the roadside post and encroach towards the parking lot. G. Kavanagh stated that they will not move the post any closer to the road, they will extend 2' to the south for the other post. Chair P. Nilsson asked what the road frontage was, he wanted to know if the proposed sign would be proportional to the area. A. DeMarco stated that the frontage is approximately 200'. She felt that the North Shore sign was too small for the building and has driven past the location, not seeing the sign. CEO A. Backus stated that the New York State beautification Act allows New York State, on any of their highways to require signs to be further back than what our Zoning Codes allows. We are here to discuss this proposed sign in relationship to the Town's Code requirements. The State regulations are more restrictive than our Code requirements, placing the sign will be at their own risk. Although he has not seen this happen in our area, it is an option and wanted them to be aware.

B. Weber asked what was the distance between the current posts, and if the proposed sign exceeded the height requirements. G. Kavanagh stated they were 6' across. CEO A. Backus stated that the area that they are using exceeded the 20 square foot requirement, even though the sign is somewhat see through. Ten feet is the maximum height, they will have decorative posts which will be at ten feet, the lettering & sculpture will be below. P. Nilsson stated that since the sign will be see through, it will provide some visibility from the road and the parking lot. CEO A. Backus stated that since the sign is to be moving back towards the restaurant from the existing roadside post, it should not have any impact on traffic. CEO A. Backus asked if the sign was going to be lighted. A. DeMarco stated that they will be using the same lighting as the existing sign. CEO A. Backus stated that if the lighting is to be changed, they would need to notify Building & Zoning prior to any changes.

Chair P. Nilsson opened the meeting up for questions from the public. Chair P. Nilsson asked that they state their name & address for the record and state their questions or concerns.

Erin Bonacci of 3593 Pebble Beach stated that she is in favor of the sign. She stated that the new design is a piece of art and will add character to the neighborhood. She enjoys driving by the Eagle Sculpture that can be seen from the thruway, done by the same Artist.

Christine Coniglio of 41 Washington Street stated that when you are coming from the east, the sign might be more visible if the trees on the property line were trimmed back.

With no further comments, Chair P. Nilsson closed the Public Hearing.

Chair P. Nilsson asked the Board if there was any further questions. Being none Chair P. Nilsson 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 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

Chair P. Nilsson asked the Board for a motion to approve the proposed Sign as presented due to the uniqueness and piece of art sculpture. The additional 2' will go towards parking lot, not roadway and lighting will remain the same. M/2/C (R. Bergin/M. Sharman) Carried: 5-0

Chair P. Nilsson asked if there was any further discussion by the Board.

Gwen Cole is resigning from her position as a Zoning Board of Appeals Member. She has been a valuable addition and will be greatly missed. The Board thanked Gwen for her years of services. Best wishes to Gwen in her future endeavors.

Chair P. Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:12 p.m. M/2/C (G. Cole/R. Bergin) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary