

**LIVONIA JOINT ZONING BOARD OF APPEALS
MAY 15, 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) Accept and approve the meeting minutes of May 1, 2017***
- (2) Ira Briggs – 7388 & 7392 Water Street, Hemlock, NY***
- (3) David Pietrowski – 3517 Pebble Beach, Livonia, NY***

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

Chair P. Nilsson asked if everyone reviewed the meeting minutes. The Board agreed they had and Chair P. Nilsson asked for a motion to approve. M/2/C (M. Sharman/G. Cole) Carried: 5-0

- (2) Ira Briggs – 7388 & 7392 Water Street, 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 May 15th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Ira Briggs for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for a proposed Lot Line Adjustment which will violate the Lot size requirements according to Section 150-33E. The variance is also requested for a side setback which violates Section 150-34E (2). This properties are located at 7388 Water Street, Hemlock, New York which is zoned Agricultural Residential Conservation – 5 (ARC-5) and 7392 Water Street, Hemlock, New York which is zoned Mixed Use Hamlet (MUH). 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

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Chair P. Nilsson asked Barry Carestio, Surveyor representing Ira Briggs to come forward and address the Board to explain what they are proposing to do. Barry stated that they are requesting a lot line adjusting which would result in one 14,393 Sq. Ft. parcel (15,000 Sq. Ft. which is required by Zoning) at 7388 Water Street. A 20,807 Sq. Ft. parcel at 7392 Water Street with a garage which would have an 11.4' side setback (15' is required). There are houses on each parcel and some out buildings. There is water & sewer connected on both parcels and the use will remain residential. They are requesting this lot line adjustment to include the existing garage on 7392 Waters Street, and straighten out the lot lines.

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 Lot Line Adjustment & variance request as presented. M/2/C (M. Sharman/B. Weber) Carried: 5-0

Chair P. Nilsson completed the SEQR criteria with the Board.

Barry Carestio will provide maps for Planning Board Chair to sign.

(3) David Pietrowski – 3517 Pebble Beach, 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 May 15th, 2017 at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York to consider the application of Dave Pietrowski for an area variance pursuant to Section 150-17C of the Zoning Code Of Livonia. This area variance is requested for

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a proposed single-family dwelling which will violate the south side setback requirements according to Section 150-31G (2) which states the minimum side setback requirements of 15'. This property is located at 3517 Pebble Beach Rd., Livonia, New York and is zoned Neighborhood Residential (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 David Pietrowski to come forward and address the Board to explain what he is proposing to do. Mr. Pietrowski stated that they are requesting to re-construct a single family dwelling on the same foot print as the previous house. The dwelling will be 36' X 48' 10", two story with a crawl space foundation. They will keep the existing lake side patio. The construction will violate the south side setback as the new construction will be 10' longer. Mr. Pietrowski would like to maintain access to the larger side yard to the north of the house. The space between the proposed house and existing garage is only 11'7". The setback is pre-existing and the requested setback is 80% of what is required. The drainage of the property will remain the same, with no water crossing property lines. The access to views and sun will remain the same as house is located north of the neighbor.

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.

Peter Dougherty of 3523 Pebble Beach Road came forward and stated that he supports Mr. Pietrowski 100% and stated it will be an improvement to the neighborhood. Mr. Dougherty also presented the Board with a letter from Mr. Pietrowski's neighbor, Kathleen Dougherty at 3526 Pebble Beach Road stating her support.

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:

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

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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

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

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

Chair P. Nilsson asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:20pm. M/2/C (M. Sharman/B. Weber) Motion carried: 5-0

Respectfully submitted,
Alison Houk, Recording Secretary