

LIVONIA JOINT ZONING BOARD OF APPEALS
October 16, 2023

Present: Chairman M. Sharman, R. Bergin, D. Major, J. Prato, M. Thompson, CEO Adam Backus, Zoning Compliance Assistant Julie Holtje.

Excused: Attorney J. Campbell.

AGENDA: *(1) Accept and approve the meeting minutes of September 18 & October 2, 2023*

 (2) Michael Pudetti – 3581 Shoreline Drive, 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 stated that the Board will review the prior meeting minutes after the Public hearing is concluded.

(2) Michael Pudetti – 3581 Shoreline Drive, Livonia, NY

Chairman Mike Sharman asked Michael Pudetti to come forward for the proposed 36’ X 24’ Garage.

The legal ad was read aloud by ZCA Julie Holtje, and the Board polled for site visits:

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

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 # 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Mike Sharman opened the Public Hearing and asked applicant M. Pudetti to describe what he would like to do.

M. Pudetti explained he has two storage sheds in the back of his property that he was cited for being too close to the property line and exceeding lot coverage. He must move the sheds, so plans to get rid of both and build a 24’x36’ garage for storage and to have a place to put their cars. They did additions in 2012 and still lack storage and a garage that they can drive their cars into.

LIVONIA JOINT ZONING BOARD OF APPEALS
October 16, 2023

Chairman Mike Sharman asked the Board if they had any questions. R. Bergin asked about current and proposed lot coverage. ZCA Julie Holtje clarified that the existing lot coverage as granted by an area variance with the ZBA in 2012 for 32% +/- . The current proposal with the new garage is 43.2%. This is with the 2 sheds removed. R. Bergin asked M. Pudetti if he thought of adding a new bay next to the existing garage. M Pudetti responded that it would make the back space inaccessible and he uses that for parking, . He has many visitors and parks his boats. The back area would then not be able to be used for anything. Ralph Dellarocco, project engineer, presented a concept stormwater plan. The existing concrete and blacktop area will be replaced with the garage.

Mary Ann Thompson asked about the location of the sheds compared to the neighbor's property. The sheds are 6-7" off the east property line and about 1' off the south property line. The north edge of the mulch is the approximate location of the north property line. M. Thompson asked if the party barge and boat would still be stored on-site if he had this garage. Mr. Pudetti said he currently stores his boats and a trailer on the property but will store all these items off-site if he can build his garage. M. Sharman asked the Building & Zoning Dept. for a history of the property. ZCA responded that in 2012, the ZBA granted an area variance of 32% for some additions. They have had conversations with Mr. Pudetti in past years about driveway expansion and the setback requirement of 10' for driveways and parking areas. The department received a complaint about the sheds and pavement. We reached out to M. Pudetti and followed up with notices of violation.

Rosemary Bergin asked for clarification of the requested setbacks. 6' rear (north side) and 3' side/rear(south).

Chairman Mike Sharman opened the Public Hearing and asked anyone who wished to speak to state their name and address for the record.

Debra & Steven Ancesfsky of 6044 Boller Ave. asked to address the Board. Their property abuts M. Pudetti's east property line where the sheds are. The water problems have increased. Debra gave the history of the subdivision. She stated that M. Pudetti will be setting an example that every person in the neighborhood will want to be able to follow. They are not interested in having overbuilt properties that cannot handle the water that will be displaced. She explained how the neighbors worked in cooperation to do stormwater improvements. The sluice area has been overgrown, the system has not been maintained and has become worse since M. Pudetti has made changes to his property. The area used to be a swamp. He asphalted and put in concrete right up to their property line. Mr. Pudetti says he needs storage, but he has a garage, although he does not use it for that. The rest of us pay for storage units to put our extra things in that we don't have room for on our property. Maybe they should buy a different lot that would allow them to do what they want to do. It is about our neighborhood, and if you give this to him, they will be before the board asking for the same variances and so will the neighbors. We all want to be able to have the same considerations, but this neighborhood cannot support that. The ZBA already gave a variance. There was a garage converted to a bedroom and then they put on a new garage. All this is also in violation of deed restrictions that require 15' setbacks. CEO made the point that deed restrictions are civil issues and not the responsibility of the Board or the Town.

LIVONIA JOINT ZONING BOARD OF APPEALS
October 16, 2023

M. Pudetti addressed the Board regarding the Ancesfsky's comments. Water comes to his property every time it rains because he is lower. He has implemented a drainage system and is working with his neighbor to the south to install a swale.

Joe Prato had to leave the meeting at 7:45 PM.

S. Ansefsky said it is not about the drainage, although it is important. It is about the setbacks and being in compliance with the regulations.

There was discussion about the size of the garage.

M. Sharman asked if there was another alternative or an amendment that M. Pudetti would like to propose to his application. While the applicant consulted with his engineer, the public comments continued.

Ted Sotir of 5924 Big Tree Road asked the Board if they were aware of the average lot coverages in that area? The fact that past ZBA decisions are site-specific and do not create precedents was also discussed. The Town does not have that data. ZCA Julie Holtje explained that the Board makes a site visit so they can get their eyes on the character of the neighborhood.

After consultation with his engineer, M. Pudetti proposed a 32'x22' garage. 704 sq. ft instead of 864 sq. ft. 160 square feet less. The Board came up with a new lot coverage of 39.6%.

Kevin Masterson of 3817 Cluny Point asked what effect decreasing the size of the structure has on the setbacks? The applicant replied to the Board that the south setback would remain the same and the rear setback would increase by 2'.

With no more comments from the public, Chairman Mike Sharman closed the Public Hearing.

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

Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed amended Area Variance to a smaller size of 22' X 32' for the proposed Garage.

Rosemary Bergin made a motion to deny the application as submitted. Motion to deny. M/2/C (R. Bergin/M. Thompson) Carried: 4-0.

CEO Adam Backus asked Chairman Mike Sharman to read the area variance criteria into the record, as it summarized the Board's discussion and reasoning:

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? Yes, significant nonconformance already exists.

2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? No

LIVONIA JOINT ZONING BOARD OF APPEALS
October 16, 2023

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? Yes – possible drainage issues.

5. Is the alleged difficulty self-created? Yes

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from August 7th, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (R. Bergin/D. Major) Carried: 4-0.

Chairman Mike Sharman asked if everyone reviewed the meeting minutes from October 2, 2023. The Board agreed they had, and a motion was made to approve. M/2/C (D. Major/M. Thompson) Carried: 4-0.

Chairman Mike Sharman made a motion to adjourn the Livonia Joint Zoning Board Meeting at 8:02 p.m. M/2/C (M. Sharman/R. Bergin). Motion carried: 4-0

Respectfully submitted,
Julie Holtje