

LIVONIA JOINT ZONING BOARD OF APPEALS
June 16, 2025

Present: Chairman M. Sharman, R. Bergin, D. Major, J. Prato, M. Thompson, CEO A. Backus.

Excused: Zoning Compliance Assistant Julie Holtje, Attorney J. Campbell.

AGENDA: ***(1) Accept and approve the meeting minutes of April 7 & May 19, 2025.***

(2) Susanne Mangano – 5764 Old Orchard Point, Livonia, NY

(3) Paul & Mary Battaglia – 3625 Pebble Beach Road, 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 asked if everyone had reviewed the meeting minutes from April 7, 2025. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (R. Bergin/M. Thompson) Abstained D. Major Carried: 5-0.

Chairman Mike Sharman asked if everyone had reviewed the meeting minutes from May 19, 2025. The Board agreed they had, and a motion was made to approve the minutes. M/2/C (D. Major/J. Prato) Abstained M. Sharman Carried: 5-0.

(2) Susanne Mangano – 5764 Old Orchard Point, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 16, 2025**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Susanne Mangano** to the Zoning Code of Livonia. The applicant has proposed the placement of a split rail fence on lakeshore property, which requires approval by the Zoning Board of Appeals per Section 150-56 J. This property is located at **5764 Old Orchard Point**, Tax Parcel # 83.54-2-27, 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.

Chairman M. Sharman polled the Board for site visits:

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

Chairman Mike Sharman asked Susanne Mangano to come forward for the proposed Lakeshore split rail fence and opened the Public Hearing.

Discussion: S. Mangano stated that she is requesting a split rail fence placed on her south property line, perpendicular to the Lake. The Fence would start at the Breakwall and proceed

LIVONIA JOINT ZONING BOARD OF APPEALS

June 16, 2025

approximately 25'-30', depending on the length of the fence rails. It would be approximately 4' high and will only have two rails. She chose the split rail fence because it creates a property boundary without obstructing any views. The property to the south is now an Airbnb, and they do not have enough yard space to accommodate people playing yard games, so they often use her yard. They also use her property to get to and from the Lake because their beach is all rock. Private property signs have not been effective, and the renters pay no attention. Calling the management company has not worked because there are different renters every week. Now she will spend close to a thousand dollars to keep them off her property. Their yard does not have enough space to accommodate the renters, and she hopes a fence is the remedy.

R. Bergin stated there were no markers indicating where the proposed fence would be and asked where the fencing would be placed. S. Mangano stated the fence would be about 1'-2" inside the property line. There is a post on the beach on the neighbor's side that marks the property line. There is also a pole in the back that marks the property line. She will mark it off with a string to determine the placement. R. Bergin asked if it would be where the grass was cut. S. Mangano stated that it would be more precise to use the already established markers. M. Sharman asked if a company would be installing the fence. S. Mango stated that Shane Truehart, of Turtle Stone Management, would install it. M. Sharman suggested that Mr. Truehart discuss the location of the fence with A. Backus for confirmation. CEO A. Backus suggested installing the fence up to the property line since there would be no issues maintaining it, as opposed to a solid wood fence. M. Sharman suggested reviewing the survey with the installer. M. Thompson asked if it would be S. Mangano's responsibility to maintain both sides of the fence. The Board agreed that it would be. CEO A. Backus stated that since it is a split rail fence, the rails could be removed for any maintenance.

Chairman M. Sharman closed the Public Hearing with no one requesting to comment.

Chairman Mike Sharman stated for the record:

This application was determined not to require Livingston County Planning Board review per Section 239-m and 239-n of Article 12 of the General Municipal Law agreement (# 8).

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.

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Lakeshore split rail fence. Rosemary Bergin made a motion to approve the split rail fence located on the south (lakeside) of the property. Motion to approve. M/2/C (R. Bergin/J. Prato) Carried: 5-0.

(3) Paul & Mary Battaglia – 3625 Pebble Beach Road, Livonia, NY

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, **June 16th 2025**, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of **Paul Battaglia** for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is

LIVONIA JOINT ZONING BOARD OF APPEALS

June 16, 2025

requested for a proposed 8' X 23' Porch roof, which violates the side Setback requirements according to Sections 150-31G (2) and 150-71 non-conforming lots. This property is located at 3625 Pebble Beach 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.

Chairman M. Sharman polled the Board for site visits:

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

Chairman Mike Sharman asked Paul & Mary Battaglia to come forward for the proposed Addition and 8' X 23' Porch roof and opened the Public Hearing.

Chairman Mike Sharman stated for the record:

This application was determined not to require Livingston County Planning Board review per Section 239-m and 239-n of Article 12 of the General Municipal Law agreement (# 3).

This application was determined to be a Type II action, and SEQOR was not required per (# 16) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Discussion: P. Battaglia stated that currently, the only access to the garage is outside access, which involves going up three steps. They are both 73 years old, and his wife has had two hip replacements; they are concerned about safer access to the garage. Since they don't have a basement, they have very little storage. The only way to create safe access from the garage to the house is to bring the garage back approximately 16' with an Addition. The side of the house closest to the garage is a bedroom, and there is a small laundry area with cabinetry and a bathroom. The best way to access the home is through this small laundry area. They are requesting the porch roof for safety and additional storage space. Chairman M. Sharman asked if they were talking about the porch roof. P. Battaglia apologized as he thought the discussion was for the whole project, which is an Addition and porch roof. The Board noted that there was some confusion with the project description. Chairman M. Sharman noted that at the site visit, Mr. Battaglia stated that he was working with the Building & Zoning office, and they adjusted their lot line for the Addition. They moved the Lot line over so they will have a 5' side Setback, and that is what they are requesting the Variance for. They spoke with their neighbor and reviewed the project with her, and she signed a letter of support for the project. They will end up with about 12'-13' between the two structures, so there will be plenty of room to access the area with a vehicle if needed. D. Major asked if the structure would be the same height as the garage. P. Battaglia stated that the garage is higher, so the Addition will be lower. There will be a door in the garage and steps to come down into the new Addition space and go into the house from there. R. Bergin confirmed that they are requesting a side setback variance on the north side. D. Major stated that the porch roof will not be any closer than 15' from the side. P. Battaglia stated that he

LIVONIA JOINT ZONING BOARD OF APPEALS

June 16, 2025

has at least 15. They currently have a roof there, and they will be adding another 8' towards the lake to cover the deck. They use an awning currently, but when it's windy, that doesn't work very well. Chairman M. Sharman asked CEO A. Backus for clarification. A. Backus stated that the focus is on the Addition. According to the plans, it was proposed to be 5', but it is scaled to be 4.85'. His recommendation would be to have a surveyor lay it out to 5', not 4.85', because less than 5' would be a fire safety concern. J. Prato asked if the proposed plans reflect that. A. Backus commented that the proposed Variance reflects 5', but in reality, it is 4.85'. M. Thompson said it was just on the back lakeside corner. Chairman M. Sharman noted that this application should reflect the request for a 5' setback. A. Backus confirmed that it is for a 5' side setback and expansion of non-conforming, they are expanding on a pre-existing non-conforming building. M. Thompson asked who the contractor would be. P. Battaglia stated they will use J.E. Currier from Batavia.

Chairman M. Sharman stated for the record that the Board received a letter from Judith Smith, the next-door neighbor residing at 3621 Pebble Beach Road, who reviewed the project and supports it.

Chairman M. Sharman closed the Public Hearing with no one in attendance to comment.

The Board went 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? No
2. Can the benefit 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 or impact on the physical or environmental conditions in the neighborhood? No
5. Is the alleged difficulty self-created? Yes

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the Area Variance for the proposed Addition and 8' X 23' porch roof. Doug Major made a motion to approve the extension of a non-conforming building (Addition) as long as it maintains a 5' side setback to the north. Motion to approve. M/2/C (D. Major/M. Thompson) Carried: 5-0.

With no further discussion, Chairman Mike Sharman asked for a motion to adjourn the Livonia Joint Zoning Board Meeting at 7:32 p.m. M/2/C (D. Major/J. Prato). Motion carried: 5-0

LIVONIA JOINT ZONING BOARD OF APPEALS
June 16, 2025

Respectfully submitted,
CEO Adam Backus