LIVONIA JOINT ZONING BOARD OF APPEALS
September 21, 2026

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

Excused: J. Prato, Attorney J. Campbell.

AGENDA:

(1) Approve Meeting Minutes from August 3, 2026
(2) Courtney Bellinger – 4598 East Lake Road, Livonia, NY
(3) Andrea Milgate – 5758 McPherson Point, Livonia, NY
(4) Levi Shetler – 3471 Livonia Center Road, Livonia, NY
(5) Aden Miller – 6877 Coy Road, Livonia, NY

Chairman Mike Sharman brought the meeting to order at 7:00 p.m. and opened with the Pledge of Allegiance.

(1) Chairman Mike Sharman asked if everyone reviewed the meeting minutes from August 3, 2026. Motion was made to approve the minutes. M/2/C (D. Major/R. Bergin) Carried: 4-0.

(2) Courtney Bellinger – 4598 East Lake Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, September 21, 2026, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Courtney Bellinger pursuant to the Zoning Code of Livonia. The applicant has proposed the placement of a 4' Vinyl fence on lakeshore property, which requires approval by the Zoning Board of Appeals per Section 150-56 J. This property is located at 4598 East Lake Road, Tax Parcel # 83.54-1-4, 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.

ZCA J. Holtje polled the Board for site visits:
Chair M. Sharman: Yes
R. Bergin: Yes
D. Major: No
M. Thompson Yes

Chairman Mike Sharman asked Courtney Bellinger to come forward for the proposed Lakeshore Fence 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 (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.

Discussion:

- C. Bellinger explained the need for the fence with children and dogs. It will be a white vinyl, not solid, and will not affect the view of her neighbors

With no comments from the public, Chairman Mike Sharman closed the Public Hearing and asked the Board for a consensus on their review of the Lakeshore Fence. With all in favor, the Board approved the Lakeshore Fence as submitted. Motion to approve. M/2/C (D. Major/M. Thompson) Carried: 4-0.

(3) Andrea Milgate – 5758 McPherson Point, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, September 21, 2026, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York, to consider the application of Andrea Milgate for an area variance pursuant to Section 150-17C of the Zoning Code of Livonia. This area variance is requested for a proposed two-story Addition, which will violate the front Setback and expansion of a non-conforming building according to Section 150-31G (1) and 150-70. This property is located at 5758 McPherson Point, Livonia, New York, and is zoned Neighborhood Residential District (NR). The application is on file with the Building Zoning Department at Livonia Town Hall, 35 Commercial Street, Livonia, New York, for public review. All interested parties will be heard at this time.

J. Holtje polled the Board for site visits:

Chair M. Sharman:	Yes
R. Bergin:	Yes
D. Major:	No
M. Thompson	No

Chairman Mike Sharman stated for the record:

This application was determined not to require review by the Livingston County Planning Board per Sections 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 SEQR was not required per (#11 & 17) of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chairman Mike Sharman asked Andrea Milgate and her architect Michael Short to come forward and opened the Public Hearing.

With no one in attendance from the public, the public hearing was closed.

Discussion:

- M. Short explained that the existing nonconforming house does not meet the front and side setbacks. The addition proposed is in the rear of the existing house and will be an expansion of the nonconformance, although the new part will encroach only on the front setback (approx. 31' setback) and be in compliance on the side.
- CEO A. Backus noted for the record that the applicants would be responsible for addressing flooding, as this is a sensitive area, but that is a separate issue to be addressed with the building permit, no structural drawings have been received yet.
- The applicant stated they were aware of that and would address that in the submittal of the construction plans.

With no further discussion, 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, not if the addition is to be attached to the existing house.***

3. Is the variance substantial? ***Yes, but the house is existing (No - R. Bergin)***

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 comments, Chairman Mike Sharman asked the Board for a motion for or against, with or without conditions. D. Major made a motion to approve the Area Variance for the two-story Addition as presented. Motion to approve. M/2/C (R. Bergin/M. Thompson) Carried: 4-0.

(4) Levi Shetler – 3471 Livonia Center Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, September 21, 2026, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York. The Board will consider the application of Levi Shetler for a Conditional Use Permit for a proposed church schoolhouse. Per Section 150-33 D (1). The subject property is located at 3471 Livonia Center Road (Tax Parcel # 67.-1-42) and is zoned

Agricultural Residential Conservation District 5 (ARC-5). The application is available for public inspection at the Building and Zoning Department, Livonia Town Hall. All interested parties are invited to attend and be heard.

ZCA J. Holtje polled the Board for site visits:
Chair M. Sharman: Yes
R. Bergin: Yes
D. Major: Yes
M. Thompson Yes

Chairman Mike Sharman asked Levi Shetler and Tim Brinduse to come forward for the proposed Conditional Use Permit for an Amish Schoolhouse and opened the Public Hearing.

Chairman Mike Sharman stated for the record:

This application was submitted to the Livingston County Planning Board for their review. The Planning Board voted to recommend "Approval" of the proposed action with advisory comments.

- Tim Brinduse, from TAB Architecture, detailed the project: basement would be storage only and have a means of egress, no electricity, hours to be daylight only, no weekends, occupant load = 49, no indoor plumbing, no sprinklers as the building is under the size requirement, 1200 SF to exterior walls, requires 2 bathrooms so they will have two engineered privies that will have no outlet and be pumped (previous variances for this type of service have been obtained from the State of NY and they will do the same here).

Discussion:
- Board member R. Bergin asked about the speed limit, parking on the road and if the driveway will be plowed in the winter. – applicant responded the driveway would be plowed in the winter and there would be no need for parking on the road.

Public Comments:
- M. Hawkins, 7335 Coy Road, 1. Expressed concerning unvaccinated children on public buses, 2. Expressed concern about having no running water and hand sanitizer only and children on the buses with unclean hands, she believes this is a public risk in a small community, risk of contamination of Kinny Creek from the privy. 3. At the corner of Coy Road there are visibility and speed limit concerns, concerned for the buggies.
- Bonnie Casagrande, 3460 Livonia Center Road, the permit should not depend on vaccination-that is a separate issue. The school district could always bus separately. Her and her husband walk the "Y" all the time.
- Mary Vogt, 3916 Woodruff Rd., Concerned that because people live at the old Perry Vet building on Richmond Mills, that people will be living in the school also. – CEO A. Backus stated that there is a legal live-work unit in that building.
- Cameron Herrick, 3606 Livonia Ctr. Rd., this was farm land and now there are 7-8 houses, where does this end?
- Holly Holevinski, 6992 Coy Rd., concerned about 49 students riding the bus vs. walking or riding a bike. Are the sides of the road appropriate for this? Has anyone counted cars?

What provisions are being made for safety? Is there enough setback on the school building so the students wouldn't be distracted?

- Bonnie Casagrande – these are not relevant items.
- Dawn Woodburn, 6820 Coy Rd., How would Livingston County know about this project? – ZCA J. Holtje- at site plan review with the Planning Board, a County Highway permit would be required for a driveway and they would be given the entire application.

With no more comments from the Public, Chairman M. Sharman closed the public hearing, and the board reviewed the Short Environmental Assessment Form. One potentially moderate impact was identified:
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?

-Board discussion: This will be mitigated with the Planning Board in the site plan review in coordination with the Livingston County Highway Department. Other issues will be the responsibility of the School Transportation Department. The Board expects standard school signs to be posted.

Motion made by R. Bergin/ M. Thompson to adopt the Part 2 answers as official findings, making a negative determination of significance to SEQR. Motion made for a negative declaration. M/2/C (D. Major/M. Thompson) Carried: 4-0.

The Board reviewed the CUP Criteria:

(1) The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Comprehensive Plan, this chapter and, where applicable, Chapter 125, Subdivision of Land. ***Yes***

(2) The proposed building or hours of operation or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare. ***No, it will not have a substantial or undue effect***

(3) The proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. ***Yes***

(4) The proposed building or use will be adequately served by essential public facilities and services. ***No water or sewer or electricity will serve this site. It will be served by emergency services and school buses.***

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use. ***Yes, Conditional Use Permit, Site Plan Approval, Building Permit Process***

(6) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.

Yes, the building is not obtrusive and a modest building

(7) If appropriate, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the conditional use permit. ***NA***

With no more discussion, Chairman Mike Sharman asked the Board for a motion to approve or disapprove the proposed Conditional Use Permit for the Church Schoolhouse. R. Bergin made a motion to approve the C.U.P. D. Major added the conditions of Site Plan Approval by the Livonia Joint Planning Board, a 1200 SF structure, a 49-person capacity, and County issues resolved. Motion to approve. M/2/C (R. Bergin/D. Major) Carried: 4-0.

(5) Aden Miller – 6877 Coy Road, Livonia, New York

PLEASE TAKE NOTICE that the LIVONIA JOINT ZONING BOARD OF APPEALS will hold a public hearing on Monday, September 21, 2026, at 7 p.m. at the Livonia Town Hall, 35 Commercial Street, Livonia, New York. The Board will consider the application of Aden Miller for a Conditional Use Permit for a proposed Home occupation (Metal shop) in an accessory building. Per Section 150-33 D (8) and in accordance with Article VII, § 150-66. The subject property is located at 6877 Coy Road (Tax Parcel # 76.-1-3.119) and is zoned Agricultural Residential Conservation District 5 (ARC-5). The application is available for public inspection at the Building and Zoning Department, Livonia Town Hall. All interested parties are invited to attend and be heard.

ZCA J. Holtje polled the Board for site visits:
Chair M. Sharman: Yes
R. Bergin: Yes
D. Major: Yes
M. Thompson Yes

Chairman Mike Sharman asked Aden Miller and Tim Brinduse to come forward for the proposed Conditional Use Permit for the Metal Roll-Forming Shop Home Occupation and opened the Public Hearing. The Board discussed that the purpose of the meeting was to continue gathering information and developing the factual record. Formal conclusions and findings would be prepared after the Board had sufficient information to complete its review.

Chairman Mike Sharman stated for the record:

This application was submitted to the Livingston County Planning Board for their review. The Planning Board voted to recommend "Approval" of the proposed action with advisory comments.

The Board reviewed updated information submitted by the applicant. The proposed building had originally been approximately 12,544 square feet and had been reduced to approximately 9,880 square

feet. The existing dwelling on the property is approximately 3,704 square feet. The proposed use would involve forming metal roofing and siding panels from prefinished coil stock.

The applicant described the proposed operation as generally follows:

- The business would operate from approximately 7:00 a.m. to 4:00 p.m., Monday through Friday.
- One or two employees outside the household were anticipated.
- Approximately one tractor-trailer delivery of coil stock per week was anticipated.
- Approximately six to ten pickups or deliveries per day were anticipated.
- Products would generally be delivered or picked up by contractors using trailers.
- Customers would not generally come to the property to place orders. Orders would primarily be placed by telephone.
- The proposed business would have a separate 24-foot-wide gravel driveway accessing Livonia Center Road.

The Board reviewed the applicable home occupation and conditional use criteria and discussed whether the proposed use would remain clearly incidental, accessory, and secondary to the residential use of the property.

Board Member R. Bergin expressed concern regarding the scale of the proposed building and operation, noting that the proposed building would be substantially larger than the residence and would have a separate driveway from another road. She stated that, in her opinion, the size and nature of the proposed operation appeared to stretch the definition of a home occupation and was more industrial in scale.

The applicant's representative responded that the size of the building was necessary for forming long metal panels and storing coil stock and stated that the operation would remain limited in staffing, primarily involving family members and one or two additional employees. The possibility of modifying the driveway arrangement was also discussed.

The Board clarified that these discussions represented fact-finding and individual Board member comments and were not a final determination on the application.

Traffic and Access

The Board discussed traffic associated with the proposed use. Additional traffic information previously requested by the Building and Zoning Department remains outstanding. The Livingston County Planning Board had also recommended that the Town determine whether Livonia Center Road was suitable for the anticipated additional truck traffic and that truck traffic details be satisfactory to the Town and Town Engineer.

The Board requested a clear, final statement identifying the anticipated daily and weekly traffic generated by the business. – *the applicants letter dated September 16, 2026 and received by the Building & Zoning Dept. on 9-21-26 states 1- 18 wheeler with incoming product delivery per week, 3 outgoing product deleveries per week by truck and trailer, and 3 visits per week by pickup truck.*

The proposed 24-foot-wide driveway from Livonia Center Road was also discussed, including its ability to accommodate two-way traffic and tractor-trailer movements.

Site Plan, Storage and Screening

The Board discussed an eight-foot-wide overhang proposed along the building for storage. This information had been included in material submitted on the day of the meeting but was not shown on the site plan.

The Board requested that outdoor features associated with the business, including storage areas, propane tanks, dumpsters, trailers and similar items, be accurately shown on the site plan.

The applicant indicated that the forklift would be stored inside the building. Proposed landscaping and screening were also discussed.

Noise and Materials

The Board discussed potential noise generated by the operation, including equipment within the building and exterior activities such as forklift operation.

No manufacturer sound data had yet been submitted. The applicant's representative indicated that building construction could be designed to reduce sound transmission and that additional equipment information could be provided once equipment was selected.

Additional information submitted by the applicant identified proposed on-site storage including a 500-gallon double-wall diesel tank, hydraulic fluid and propane tanks associated with the forklift.

Parking

The Board discussed parking requirements based upon the proposed building size. It was noted that the zoning requirements could result in approximately 15 parking spaces being required for a building of approximately 10,000 square feet.

The possibility of reducing the required number of spaces based upon the documented operation and anticipated traffic was discussed. The site plan would need to appropriately address the parking requirement.

Fire Protection

Fire protection and water availability were discussed. The applicant's representative indicated that the project design professional would further review applicable fire protection requirements.

The Board requested additional information regarding fire protection and indicated that input from the fire department may also be appropriate.

Outstanding Information and Continued Review

The Board determined that additional information was needed before completing its review and making the required findings. Items discussed as requiring additional clarification included traffic generation and truck movements, the final site plan and building configuration, outdoor storage and related site features,

noise information, fire protection, parking, and other matters raised during review of the applicable conditional use criteria.

The Board also discussed the need to complete its environmental review and formal findings after the factual record was sufficiently developed.

The public hearing was kept open. The Board discussed continuing the matter atM its October 19, 2026 meeting to allow time for the applicant to provide the requested information and for additional review. The continued hearing would remain open to public comment and would not be re-advertised.

Public Comment

Members of the public were given an opportunity to comment on the application.

Michelle Hawkins, 7335 Coy Rd., expressed concern regarding traffic in the area, particularly truck traffic near the proposed school and the potential safety implications associated with vehicles entering and leaving the area.

Dawn Woodburn, 6820 Coy Rd., asked whether comments regarding the scale or industrial nature of the proposed operation meant that the property would need to be rezoned. The Board clarified that the comments represented an individual Board member's opinion regarding whether the proposed use fit the definition of a home occupation and that no rezoning or reclassification of the property was being considered.

Kate Harvey of Coy Road expressed concern regarding additional truck traffic on Coy Road. She stated that Coy Road could be used as a shortcut between Route 15A and Livonia Center Road and noted existing commercial and equipment traffic in the area. She also expressed concern regarding the compatibility of the proposed metal fabrication operation with the Agricultural Residential Conservation District and potential noise impacts.

Mike Bausch, 6995 Coy Rd., expressed concern regarding construction of a manufacturing facility on agricultural land and questioned how the proposal related to the Town's Comprehensive Plan.

Jeff Harvey, 7273 Coy Road, suggested that Board members visit an existing sheet-metal fabrication facility in the Penn Yan area to better understand the potential scale, activity and noise associated with this type of operation.

Eric Gott, 21 Frances Way, asked for clarification regarding references during the meeting to the term "industrial." Staff clarified that the plans identify the proposed building as a **Factory Industrial occupancy for purposes of the Uniform Code**. This is a building-code occupancy classification and is not a zoning classification or a determination that the property is zoned industrial.

A question was also raised regarding whether the proposed driveway would be shared with the neighboring school. It was clarified that the proposed business would have a new, separate driveway and that the school and subject property are separate parcels.

Adjournment

There being no further business or comments from the Public, Chairman M. Sharman asked for a motion to adjourn the meeting at 9:30 p.m. M/2/C (D. Major/R. Bergin). Motion carried: 4-0

Respectfully submitted,

_____

Julie Holtje, Zoning Compliance Assistant