

Planning/Zoning

Dustin Geiger; +

Hello,

We have received Zoning Referral #2026-019 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law.

The Livingston County Planning Department has reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Comments:

**Area Variance Criteria.** The review of an area variance must weigh the benefits of the requested variance to the applicant against the potential negative impact on the neighborhood using the following five factor “balancing test” as set forth in the State statute:

1. Will an undesirable change be produced in the character of the neighborhood or a detriment to nearby properties be created by the granting of an area variance?
2. Can the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?
3. Is the requested area variance substantial?
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
5. Is the alleged difficulty for the applicant self-created? (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.)

**Advisory Comment:** The Town/Village should carefully consider the benefits of the requested variance to the applicant against any potential negative impact on the neighborhood.

**Shared driveways and private roadways.** Shared driveways are historically problematic, and they can often lead to disagreements among the driveway and private roadway users. In some cases, the disagreements as to who is allowed to use the road and who is responsible for maintaining the road become so serious that the Town is asked to take over the responsibility for the driveway. As private driveways and roads are not typically built to Town road specifications, this takeover of responsibility often leads to the Town spending taxpayer dollars to upgrade the driveway and maintain it. In the past, the County Planning Board has recommended against shared driveways unless a legally binding maintenance agreement is created.

**Advisory Comment:** If not done already, the Town should require that a legally binding maintenance agreement and a cross access easement be created.

**Advisory Comment:** If not done already, the Town should require that any private drive built on the "Access Parcel" lot be built to Town Road specifications.

**Advisory Comment:** If not done already, the Applicant should submit an Environmental Assessment Form for the Town to review before final action is taken.

Please be aware that a determination of “No Significant Countywide Impact” should not be interpreted as either approval or disapproval by the County Planning Board.

If you have any questions, please do not hesitate to contact me at 243-7550.

Make it a great day,  
Amy Lutz, Administrative Secretary  
Livingston County Planning Department  
(585) 243-7550

NOTE-new email: [amylutz@livingstoncountyny.gov](mailto:amylutz@livingstoncountyny.gov)