LEGAL NOTICE

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Board of Appeals of the Zoning Law of the Town of Geneseo on the 22nd day of May, 2012, at 7:30 P.M. in the Board Room of the Geneseo Town Office Facility, 4630 Millennium Drive, Geneseo, NY on the following matter:

Appeal by Richard Piccirilli

appellant, from a decision of the Code Enforcement Officer and application for permission to continue use of a second dwelling below the detached garage when a second dwelling is not permitted in the Lake Shore (L) District as per Schedule II of the Town of Geneseo Zoning Code

on property located at 5317 West Lake Road in the Town of Geneseo, NY.

Said Board of Appeals will at said time and place hear all persons in support of such matters and objections thereto.

Dated: April 25, 2012

Zoning Board of Appeals

John C. Maxwell

Chairman

GENESEO

Livingston County, New York

ZONING APPLICATION/PERMIT

Date April 25, 2012

All Geneseo property owners are required to comply with all the regulations as set forth by New York State Building Code and the Zoning Codes of Geneseo.

INSTRUCTIONS:

a. This application to be completed in ink or typewriter and submitted in duplicate to the Zoning Officer.

b. A plot plan in duplicate showing location and actual dimensions of the lot and the exact size and location on the lot of the buildings on the premises, relation to public streets or areas and to adjoining premises, giving a detailed description of the layout of the property to be drawn on a diagram which is part of this application.

c. Work described in this application is not to be commenced before receiving a Building Permit. **THIS IS NOT A BUILDING PERMIT**. In the event that a setback variance is requested, an instrument survey showing precise setbacks to be created by the project, along with existing and proposed structures, must be attached.

APPLICATION IS HEREBY MADE to the Zoning Officer pursuant to the Zoning Ordinances of Geneseo, for the buildings, additions, alterations, or relocation as herein described. The applicant agrees to comply with all the applicable laws, ordinances and reglations.

1. APPLICANT

Name Richard S Piccirilli Tel. No. 585-243-4766

Address 5317 West Lake Road

Geneseo, New York 14454

2. PROPERTY OWNER

Name Richard S. Piccirilli Tel. No. 585-243-4766

Address 5317 West Lake Road

Geneseo, New York 14454

3. PRESENT USE IS: a living area under the garage

PROPOSED CHANGE/USE or OCCUPANCY: continued use as a livable living area

4. APPLYING FOR: New Structure Addition Alteration Storage

Site Plan (Other) Temporary Structure

Duration Street Vendor

5. TYPE USE: If Dwelling: ____ 1 Family 2 Family Multiple Family

If Commercial: ____ Office Retail Industrial

____ Storage Assembly Banquet Other

If Other Explain:

6. DIMENSIONS OF: New Structure _____ Area ____ sq. ft.

Additions _____ Area ____ sq. ft.

Alterations _____ Area ____ sq. ft.

Permit cost:

$ _____

7. ESTIMATED COST: $ —

8. LOCATION OF LAND FOR PROPOSED WORK:

Address _____

Tax Map No. _____

Size & Area of the lot ____ ft. by ____ ft = ____ sq. ft.

Zone Dist. L Class Use 210 in which premises are situated

9. Does the proposed construction or use violate any Zoning Law or other ordinance or Regulation? Yes

If yes, give details I bought the property with the idea that the living area under the garage was legal.

10. The plot diagram shown on page 3 of this application or on separate drawings, showing location of all buildings existing or proposed, together with the dimensions from property lines, the surface elevation of the front yard at the frontwall of the principal building as related to the surface of the street or highway, lot number, street names and type of lot (interior or corner) and lot description is a part of this application.

I HEREBY CERTIFY THAT I AM THE owner and that I am duly authorized to make and file this application; that all statements contained in this application are true to the best of my knowledge and belief, and that the work will be performed in the manner set forth in this application and in the plans filed herewith.

Richard Piccirilli
Signature of Applicant

4/25/12 Ronald Maxwell
Date Zoning Officer

(Approved)
(Disapproved)

If disapproved, reason for Disapproval a 2nd dwelling is not allow in the L district per Schedule II of the Town of Geneseo Zoning Ordinance

PETITION TO BOARD OF APPEALS

To the Board of Appeals, Town of Geneseo or Village of Geneseo:

I request a variance.

Dated April 25, 2012

Signed Richard Piccirilli
Petitioner

Action by the Board of Appeals of the Town of Geneseo or Village of Geneseo on the above stated matter:

Dated _____, 20____

Attest _____
Secretary, Board of Appeals

_____ Chairman

_____ Member

_____ Member

_____ Member

_____ Member

From Richard Piccirilli April 27, 2012

We would like to bring the Zoning Board of Appeals up to date as to how it came about that we need a variance. So, kindly bare with me as I recount what has transpired so that you have a better understanding of my hardship.

In the processing of applying for a bank loan to help my daughter buy a home, a bank appraiser appraised the property for $173,000. I brought to his attention that my tax assessment was close to $300,000 and asked if he had included the dwelling under the garage. He wasn't aware of its existence and entered our home and apartment to do a reappraisal. He later phoned me to ask me if I had a permit for the apartment. I told him why would I have needed one since it has been in existence and that I bought the property knowing full well that there was a living area under the garage and that in the past it has been rented. In fact, when we bought our place, someone was living in the apartment. Being new to the area and all, there was no reason to believe that the apartment was anything more than an apartment for which I paid close to the asking price and which is also reflected in my reassessment which was partly based on the purchase price of the property.

The bank appraiser then contacted the Code Enforcement Office and therefore alerted them of the existence of the apartment for which there was no permit. As a result, the bank has dropped my application for a loan. As a result, to be in compliance I have applied for a permit and thus necessitating the need for a variance.

This has caused a hardship on myself and my wife. Not only has it stressed us but are we unable to obtain a bank loan for emergencies or any other purpose and fear that our property will be devalued. Further, we face the loss of future rentals. We have acted in good faith since day one. As senior citizens, we face the same crisis as all senior citizens living on the lake—higher cost of living and higher school and county taxes. The consequence for us is very serious indeed.

Another consequence would be the displacement our current tenant. He is a West Point graduate and Iraqi war veteran who recently graduated from Georgetown Law School and is currently clerking for U. S. Federal Judge, Richard Wesley. Also we were hoping to have another law clerk take his place once the tenant's year is up in August.

It is important for us to maintain our property and neighborhood in excellent condition. This includes the selection of tenants. We cherish our neighbors and lake environment and are always concerned that the use of our property not interfere with the lives of others whether you are talking about parking, noise levels, cleanliness or number of people in the apartment.

Given that we plead that this is a hardship case where we have acted in good faith, we ask that you act favorably upon our request for a variance. Thank you for your time and efforts on our behalf.

Richard Piccirilli

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APR 27 2012
TOWN OF GENESEO

617.20
Appendix C
State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR: Richard S. Piccirilli

2. PROJECT NAME: Piccirilli

3. PROJECT LOCATION:
Municipality: Geneseo
County: Livingston

4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map):
5317 West Lake Road

5. PROPOSED ACTION IS:
☐ New ☐ Expansion ☒ Modification/alteration

6. DESCRIBE PROJECT BRIEFLY:
Variance for other living space

7. AMOUNT OF LAND AFFECTED:
Initially — acres Ultimately — acres

8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS?
☐ Yes ☒ No If No, describe briefly When I purchased the property there was an apartment under the garage for which there was no concern for its legality until I applied for a bank loan which revealed that there was no permit for its existance. I bought the property based on the living space under the garage. It would be a financial hardship if the living quarters under the garage is denied.

9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?
☒ Residential ☐ Industrial ☐ Commercial ☐ Agriculture ☐ Park/Forest/Open Space ☐ Other
Describe:

10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?
☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:

11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?
☐ Yes ☒ No If Yes, list agency(s) name and permit/approvals:

12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?
☐ Yes ☒ No

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Richard S Piccirilli Date: 4-25-12

Signature: Richard S Piccirilli

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with is assessment

OVER

‹RT II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A.DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C.COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

☐ Yes ☐ No If Yes, explain briefly:

E.IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

☐ Yes ☐ No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Patricia Dwyer
5313 West Lake Road
Geneseo, New York 14454
585-243-4315
6-27-12

Dear Zoning Board of Appeals,

It has come to my attention that Richard and Fran Piccirilli have applied for a variance so that they can maintain the apartment below their garage.

The apartment has been there as long as I can remember and it has never been a problem. Our properties join and blend into each other. Parking has never been a problem nor has the environment in our cove been negatively affected. In fact, the way the exterior has been kept presents a pleasant view from my property. Therefore, since I am the closest neighbor to that residence and have no objection, I strongly support Richard's and Fran's variance.

Thank you,

Patricia Dwyer

Patricia Dwyer

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