

**Town of Geneseo  
Zoning Board of Appeals  
Public Hearing for Geoffrey Benway, agent for Carol Gray  
Tuesday, March 25, 2008**

Appeal by **Geoffrey Benway, agent for Carol Gray**, appellant, from a decision of the Code Enforcement Officer and application for permission to construct two (2) Garages. As proposed, both garages fail to meet the front yard setback requirement of 32 feet from the NYS right-of-way as per Schedule II of the Town of Geneseo Zoning Code on property located at 4695 West Lake Road in the Town of Geneseo, NY.

Board Members Present: Chairman John Maxwell, Vice-Chairman Rick Taylor, Soren Thomas, Peter Palermo and Steven Haigh.

Public Present: Ron Maxwell, Code Enforcement Officer, Geoff Benway, applicant, and Jack Pittrof, 4685 West Lake Rd., a neighbor several houses away.

Chairman John opened the meeting at 8:50. Everyone had visited the property even though several had a hard time finding exactly where they were going. There were 16 green cards mailed and only 7 were returned.

Chair John read a letter from neighbor Judy Witzel who is against the project as she says it is hard enough getting onto the highway and this will block her view and cause a hazard.

The Letter from the County Planning Board recommending approval was also read.

Geoff Benway explained the plans and then shared all the plans with the Board. Mrs. Gray will be doing extensive renovations in hopes of having her 20+ grandchildren visit her without being always in her living area. The Board asked many questions about the overall plans. They then got to the variances requested.

The Board saw that the existing driveways aren't changing at all. Nothing will affect the line of sight to motorists. Perhaps the neighbor had not seen the plans when she raised her objections.

At this point the neighbor, Jack Pittrof, spoke. He lives one house beyond Ms. Witzel. Presently her property causes him line-of-sight problems but has had none with this property. He can see that nothing will change and he has no objections.

Rick asked if the north garage is aligned with the house. Yes, the same line as the existing face.

Chair John asked if it (the garage) were to be a single story. Yes.

The Board then discussed what measurements were under consideration. Rick pointed out

that the existing 16' goes down to 13' so they will need a 20' variance on the southwest corner that stays straight with the house as per the plans as presented.

Chair John added the for the north garage, eleven (11) feet will be needed.

The Board then went through the 5 questions necessary for a northern front yard setback variance (11' will be needed)

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. The Board was satisfied that the neighbor's concerns were not borne out.*
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? *No. It could not be put elsewhere on the property.*
3. Is the requested variance substantial? *Yes. \_\_\_%*
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? *No.*
5. Is the alleged difficulty self created? *Yes.*

**Peter moved approval for a northern front yard setback variance of 11' for a garage at 4695 West Lake Road. Rick seconded. The vote was unanimous: John, Rick, Steven, Peter and Soren.**

The Board then went through the 5 questions necessary for the southern front yard setback variance. (20' will be needed)

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 the variance? *Yes. It could be put elsewhere on the property.*
3. Is the requested variance substantial? *Yes \_\_\_%/*
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? *No*
5. Is the alleged difficulty self created? *Yes.*

Peter moved approval for the southern front yard setback variance of 20' for a garage at 4695 West Lake Road.

This hearing ended at 9:20

Chair John asked the Board to consider unapproved minutes. The Board approved Cloutier minutes of October 23, 2007 with corrections. Rick moved and Steven seconded. Motion carried as amended.

The Christiano minutes of February 12, 2008 were reviewed. Steven moved and Rick seconded approval. Motion carried.

Board members are concerned with letters from the County Planning Board that “vote to recommend ”Approval” of the proposed action. There were three such letters this very night. On one of the applications, they were in error in giving approval.

Since when are they the governing body. They may give recommendations to the ZBA but the have exceeded their authority when they give Approval. The Board instructed the secretary to draft a letter for Chair John’s signature.

Soren moved that the hearing be closed and Peter seconded. Motion carried. Meeting adjourned at 9:45.

Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.