

**Town of Geneseo  
Zoning Board of Appeals  
Public Hearing for Christopher Saunders  
Tuesday, March 25, 2008**

Appeal by **Christopher Saunders**, appellant, from a decision of the Code Enforcement Officer and application for permission to construct a Single Family Residence which fails to meet the side yard setback requirement of 15 feet, on both the western and eastern property boundaries and exceeds the maximum lot coverage of 25%, all regulations as per Schedule II of the Town of Geneseo Zoning Code on property located at 5333 North Point Drive 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, Patrick Cahill, 5331 North Point Drive, Connie Kesel and Christopher Saunders

Chairman John opened the meeting at 7:37 and asked if all board members had visited the property. All said yes. He then read into the record a series of letters: from the Conesus Lake Association; from the County Planning Board; from Pat and Ann Williams, two homes to the west of this property (5329 North Point Drive, in support of the application; from the next door neighbors, Phillip and \_\_\_\_ Vinciguerra, at 5335 North Point Drive against the application.

Chairman John asked for the green cards. Twenty three went out and 16 were returned.

Chris Saunders bought the property 9 years ago. The rules for lot coverage have changed since he bought the lot. He wants a 1700 sq. ft., two-story home. It is his legal residence. Mark Muller is his engineer and Rob Graham the general contractor. They all know they are working with a narrow lot.

Soren then asked to see the plans. He asked about the reference map in the application-is the highlighted part the foot print? Yes.

Soren continued. Will you demolish and excavate on the original footprint? Yes. Will there be a crawl space? There can be no basement.

Chris wants to widen the house and add two feet. The existing footprint including the deck is 24% lot coverage. If he eliminated the sheds it will be 3' from the property line.

Soren asked for a picture showing the view between the two houses.

Chair John asked if there were questions from other board members.

Rick asked about the three-sided shed that was referred to in the Vinciguerra's letter as built without a permit. He wondered what the town map might show. He is concerned that if the shed is removed, will to still be considered part of the footprint.

Chris said NO. Nine years ago he thought he could use the lot.

Neighbor Pat Cahill is in favor of something new there (on that lot). The driveway is new, the lots are well kept. It is a very good neighborhood and these plans will make it even better.

Chair John asked for the measurements before going into the questions.

Soren reported the total width is 25' x 70' with 9' in front and 11' in back, 6' on the west and 12' on the east. The lot coverage with the deck is 30%. All the board commented that they had never granted over 25%.

Rick asked if the new house could be centered on the lot.

Chris needs the land to get to the lake. There is a tree on the fence line.

Rick also brought up the idea of tabling the appeal until Chris could consider other options to put forward. As of right now, Rick is ready to vote No.

Chris said it wouldn't change anything to table until later.

Chair John then asked the board to consider the first set of questions for the western side yard setback variance (*6 feet 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. Two neighbors were in support.*
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? *Yes, if he builds on the footprint.*
3. Is the requested variance substantial? *Yes @40%*
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*

After brief discussion, Rick moved to grant a 6' western side yard setback variance for proposed construction at 5333 North Point Drive.

Chair John then asked the board to consider the eastern side yard setback variance and the five questions. *(12' 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? *Yes. The construction of a two-story home against the property line could be a detriment to the next door neighbor.*
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? *Yes, build on the original footprint.*
3. Is the requested variance substantial? *Yes 80%*
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? *No for the majority. Soren said yes-fire safety issues.*
5. Is the alleged difficulty self created? *Yes*

Soren moved to deny the 12' eastern side yard setback variance at 5333 North Point Drive. Rick seconded. The vote was unanimous: John, Rick, Steven, Peter and Soren.

The third variance was now under discussion-a lot coverage variance *(30% is asked)*

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. It will improve the neighborhood.*
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? *Yes. Build on the footprint.*
3. Is the requested variance substantial? *Yes. The Board has held to the code requirement of no more than 25%, especially applying the letter from the Conesus Lake Assn.*
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? *Yes-increased impermeable surface to absorb runoff.*
5. Is the alleged difficulty self created? *Yes*

Rick moved and Peter seconded the motion to deny the lot coverage variance of 30%. The vote was unanimous: John, Rick, Steven, Peter and Soren.

Soren Thomas moved that the hearing be closed and Steven Haigh seconded. Motion carried. This hearing closed at 8:30

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