

**Town of Geneseo
Zoning Board of Appeals
Public Hearing for Kenneth and Julia Hathaway
7:30 p.m. Tuesday, September 23, 2008**

Appeal by **Kenneth and Julia Hathaway**, appellants, from a decision of the Code Enforcement Officer and application for permission to construct a storage shed and a garage which fail to meet the front yard setback requirement of 14 feet and side yard setback requirement of 2'4" feet, as per Schedule II of the Town of Geneseo Zoning Code on property located at 4573 West Lake Road in the Town of Geneseo, NY.

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

Public Present: Ron Maxwell, Code Enforcement Officer, Raymond R. Chamberlin, Sadie Chamberlin, Lisa Chamberlin, Anne McCarthy, Kenneth Hathaway, Julia Hathaway, Michael Kleinhans and Renee Kleinhans.

Chairman John opened the meeting at 7:37. He requested the green cards. There were 11 sent and 11 received. He noted that the County Planning Board letter indicated that they had no problem with the request. The requested variance is for distance from the state right-of-way. They are 32' from that right-of-way.

Chairman John asked if the applicant had been told to stake out the proposed buildings and he said no.

Ken Hathaway said the garage follows the footprint of the blacktop driveway.

Vice-Chairman Rick said the stump is 6-8 feet from where the garage will be. It is built on the edge of the flower bed.

Chair John commented that with just 4 stakes, he was ready to table the hearing until the actual buildings are staked. There may be stakes but the board members didn't see them. A discussion of the points on the map presented followed. There is still confusion.

Vice-Chairman Rick asked why not move the garage back?

Ken Hathaway-There is a tree there. The sewer line comes through the property just below the driveway. He didn't want to build over it.

Chairman John read that the water line is on the other side of the road and the sewer line is ok per Mike Shaver.

Vice-Chairman Rick-- The shut offs are near the pin?

Ken Hathaway said yes and they are not hard to find.

There was discussion of the location of the pin and the shut offs.

Ken Hathaway said the garage is to be a story and a half with some head room. No hip roof. Standard garage.

Peter Palermo--there is nothing wrong with the proposal but stakes were needed to clarify.

Vice-Chairman Rick had no problem with the garage. He does have a problem with the storage shed.

Ken Hathaway is asking for 7'6" on the north side. That is a 2.5' variance.

Ray Chamberlain was present for his son who is the neighbor on the south side. Ray couldn't tell what is proposed. Where is the garage and where is the shed to be?

It is 18' off the state right-of-way.

Peter moved, in fairness and openness, to table until next Tuesday at 7:30, this variance request until the property is staked, with either paint or stake, to show where the garage and shed will be, and the applicant show what the peak height will be.

Chairman John noted that the Board must address the question "will there be an adverse effect on the neighbors."

Vice-Chair Rick seconded the motion. Carried unanimously. Yes votes from Chair John Maxwell, Vice-Chair Rick Taylor, Peter Palermo and Steven Haigh.

The Board reviewed the minutes of March 25:

Rick moved approval with a second from Steven for **Christopher Saunders**, 5333 North Point Drive in the Town of Geneseo, NY. **Carried.**

Steven moved approval with a second from Peter for **Megan Kelly, agent for John Kelly**, 5413 West Lake Road in the Town of Geneseo, NY. **Carried.**

Peter moved approval with a second from Steven for **Geoffrey Benway, agent for Carol Gray**, 4695 West Lake Road in the Town of Geneseo, NY. **Carried.**

Steven Haigh moved that the hearing be closed and Vice-Chair Rick Taylor seconded. Motion carried.

Meeting adjourned at 7:55 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.

