

APPROVED

**Town of Geneseo
Zoning Board of Appeals
Public Hearing for Dr. Omar Qureshi, 4081 West Lake Rd.
Tuesday, July 14, 2009**

Appeal by **Dr. Omar Qureshi**, appellant, from a decision of the Code Enforcement Officer and application for permission to construct a garage which fails to meet the front yard setback requirement of 32 feet from the NYS Route 256 right-of-way and exceeds the lot coverage of 25%, both regulations, as per Schedule II of the Town of Geneseo Zoning Code on property located at 4081 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: Omar Qureshi and Mona Qureshi, applicants, Tom Simbari, architect, Joseph Ziegler, Doris Ziegler, Patricia Gray, Ron Steiner, Marie Pi Schlangdelhauffen, Thierry Schlangdelhauffen, and Ron Maxwell, Code Enforcement Officer

Chairman John opened the meeting at 7:30 and requested the green cards (certified return receipts from adjacent properties to the applicant). Twenty four were sent out and twenty four were received.

Chairman John invited the applicants to present their plans. Tom Simbari spoke for the Qureshis. They seek to build a 552 sq ft. free standing garage. He was the architect for their home in 2000. He realizes the zoning has changed. There is a common drive from the south to the north that serves three homes. The Q's home is in the middle. The garage would be a bunker-like structure with grass on the roof. It sits on the right of way. The common drive will jog a bit to service the other ends of the drive.

The structure will be cast stone over concrete with a gridded green roof. They would maintain the drive off the road and onto the roof. Excess water will drain into the swale and into the existing culvert. Mike Shaver of the county sewer has concerns but they are working with him. The DOT has no problem. They met with Simbari on site.

The Board looked at renderings and architectural plans.

Chairman John read several letters requesting denial of the variance:

- Livingston County Planning Board (attached);
- Conesus Lake Association (attached);
- Mike Shaver, Liv. Co. Water & Sewer Authority (attached);
- Peter and Donna Bondi, 4055 West Lake Road are concerned with building over the sewer line and for exceeding the 25% lot coverage & possibly setting precedence;
- Ted Bondi, 4071 West Lake Rd. stressed staying within current ordinance.

Chair John asked for public comments:

Ron Steiner, 4067 W. Lake Rd., has questions about current lot coverage-it is now

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26.35% and they are asking for a total of 33%. The law is 25%. He also was concerned about the sewer easement. That distance is 10' from the sewer line.

Tom Simbari said they could encase the sewer which they have done before for commercial buildings in urban areas.

Pat Gray, 4068 W. Lake Rd., does not agree to give any of the variances.

Thierry Schlagdelhauffen, 4077 W. Lake Rd., and next door neighbor, asked that the driveway remain straight, without an angle, so they can move their cars and trailer and jet ski without hitting the proposed garage.

Omar Qureshi said they would be willing to make the driveway thinner or in some way lessen the angle. Thierry was satisfied with the project otherwise.

Doris Ziegler, 4069 W. Lake Rd., is opposed to granting the variances. The view is already shot by the previous variances that were given when these houses were built.

Ron Maxwell, ZEO, jumped in to explain there were no variances granted before in 2000, but because of these three houses, the variance law was changed.

Omar Qureshi stated he is an environmental person. He wants to make the lot changes to accommodate the neighbors.

Tom Simbari stated the lot coverage is the issue. This is a taxpayer who needs more garage space. They were trying to blend in. They could perhaps lower the wall and put up a rail but the wall is safer. On-highway parking is a problem. The roof runoff is to be drained below in the sloped vegetation. The building is at shoulder level of the highway. What is proposed should be appealing.

Chair John asked how long the current owner had been there. Two years.

Chair John said that never in his 17 years has anyone been granted a 100% variance and never has he had so many people in opposition.

Chair John asked the Board to consider the front yard set back which is 100%. The Board then went through the 5 questions necessary for an area variance:

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
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? No
3. Is the requested variance substantial? Yes, 100%
4. Will proposed variance have an adverse effect or impact on the physical or

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environmental conditions in the neighborhood or district? YES

5. Is the alleged difficulty self created? Yes

The Board then considered the lot coverage variance. 26% is now covered and the applicants are asking for a total of 33.12%. The limit is 25%

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

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? NO. Vice Chair Rick suggested that if the applicant were to purchase adjacent land, he could change the percentage of coverage to qualify without a variance.

3. Is the requested variance substantial? Yes, 100%

4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? YES

5. Is the alleged difficulty self created? Yes

Vice-Chairman Rick Taylor moved to deny the request of the variance for the 100% front yard setback at 4081 West Lake Road. Peter Palermo seconded. Carried unanimously.

Vice-Chairman Rick Taylor moved to deny the request of the variance for the 7% additional lot coverage at 4081 West Lake Road. Steven Haigh seconded. Carried unanimously.

Chairman John Maxwell asked for approval of the May 12 minutes. Vice-Chairman Rick Taylor moved and Steven Haigh seconded. Carried.

Vice-Chair Rick Taylor moved that the hearing be closed and Steven Haigh seconded. Motion carried. Meeting adjourned at 8:36 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.

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JUL 14 2009 10:46AM

LIV CO PLANNING

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**LIVINGSTON COUNTY
PLANNING DEPARTMENT**
Livingston County Government Center
6 Court Street, Room 305
Geneseo, New York 14454-1043

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July 13, 2009

Jean Bennett
Town of Geneseo
4630 Millennium Drive
Geneseo, NY 14454

Re: Zoning Referral #2009-64, Town of Geneseo, Area Variance for a garage at 4081 West Lake Road (Applicant: Omar Qureshi)

Dear Ms. Bennett:

The Livingston County Planning Board, at its regular meeting on July 9, 2009, reviewed the zoning referral from the Town of Geneseo of the above mentioned pursuant to Sections 239-1 and m of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Disapproval" because of the potential impact to Conesus Lake due to the excess lot coverage of the proposal.

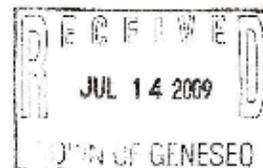
There was a quorum at this meeting. There was a majority vote on this matter.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call Heather Ferrero, Planner, or me at 243-7550.

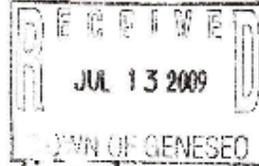
Sincerely,


Angela Ellis
Planning Director

cc: Pat McCormick, Chairman, Livingston County Planning Board
Craig Macauley, Town of Geneseo representative, Livingston County Planning Board
Omar Qureshi, Applicant



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Conesus Lake Association Inc.

P.O. Box 637
Lakeville, NY 14480-0637

(585) 346-6864
www.conesuslake.org

July 11, 2008

John C. Maxwell
Chairman,
Zoning Board of Appeals
Town of Geneseo
4630 Millennium Drive
Geneseo, New York 14454

RE: Request for variances, 4081 West Lake Road, Geneseo, NY

Dear Mr. Maxwell:

The Conesus Lake Association is submitting this letter of comment relative to the above-captioned request for variances to the Zoning Law of the Town of Geneseo. On behalf of the Association's membership, I request that this letter be read into, and made part of, the official record of the public hearing to be held on July 14, 2009 regarding these variance requests.

Section D of the Statement of Positions adopted by the Conesus Lake Association, Inc. on February 22, 2007 contains, in part, the following:

The CLA strongly supports:

1. *The consistent, rigorous interpretation and enforcement of town zoning codes, including minimizing environmental impact where variances are granted by zoning boards of appeal.*

The CLA strongly opposes:

2. *The granting of lot coverage and setback variances for lakeshore properties, in order to improve the level of fire protection and limit runoff from impervious surfaces.*

The immediate request is for your board's approval of variances from front setback and lot coverage requirements. This proposed garage, doubling the existing indoor vehicle storage capacity of the lot, will be built on property with a significant road-to-lake slope and a history of significant damaging runoff during severe rainfall events. The addition of this structure, and the addition of even more impervious asphalt surface to this lot, is not a good thing for Conesus Lake.

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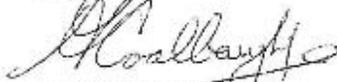
John C. Maxwell, Chairman
July 11, 2009
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The Zoning Boards of Appeals of the four lakeshore towns have an implied responsibility to protect the Conesus Lake Watershed through the judicious review of requests for variances. That responsibility includes the denial of requests for lakeshore and near-lake variances that would perpetuate the very issues that zoning codes are designed to correct.

In order to protect the health, welfare and safety of the residents of the Conesus Lake community, and to protect the lake itself, the Conesus Lake Association urges the Town of Geneseo's Zoning Board of Appeals to carefully consider this request for multiple variances, and to make the right decision for Conesus Lake and the Town of Geneseo.

A complete copy of the Conesus Lake Association's February 22, 2007 Statement of Positions is attached.

Yours truly,



George H. Coolbaugh, Jr.
President
Encl.

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Livingston County Water & Sewer Authority
1997 D'Angelo Drive
PO Box 396
Lakeville, NY 14480
Phone: (585) 346-3523
Cell: (585) 233-0806
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E-mail: mshaver@co.livingston.ny.us

Michael Shaver

Senior Sewage Treatment Plant Operator

June 29, 2009

John Maxwell, Chairperson
Zoning Board of Appeals
3977 Lakeville-Groveland Rd
Geneseo, NY 14454

Re: Variance

Dear Mr. Maxwell:

I am denying the request for variance at 4081 West Lake Rd, tax map 74.77-1-18, to build a garage on said property.

The building of this garage at the proposed site would not allow for proper set back easement to LCWSA sewer main.

Sincerely,

A handwritten signature in black ink that reads "Michael Shaver". The signature is written in a cursive style with a long, sweeping underline.

Michael Shaver
Senior Sewage Treatment Plant Operator

Cc: Zoning Board