

**Town of Geneseo**  
**Zoning Board of Appeals**  
**Public Hearing for James Bonsignore, Agent for Lakeville Estates MAC**  
**LLC Northwest corner of NYS Routes 20A and 256**  
**Tuesday, December 15, 2009**

Appeal by James Bonsignore, Agent for Lakeville Estates MAC LLC, from a decision of the Code Enforcement Officer and application for permission to eliminate the requirement for a walking path to be installed in both Phase I and Phase II of the Lakeville Estates Manufactured Home Community, as required by Section 75-4(N) of the Town of Geneseo Code on Mobile Home Parks, and application to consider the continued location of the existing manufactured homes, including twelve (12) which fail to meet requirements of lot area, lot width, lot depth, lot coverage and setbacks as constructed and pursuant to the current Mobile Home Park regulations, Chapter 75 of the Code of the Town of Geneseo on property located at the northwest corner of NYS Routes 20A and 256 in the Town of Geneseo, NY.

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

Public Present: Ron Maxwell, Code Enforcement Officer, James Bonsignore, applicant, James Coniglio, Town Attorney, Milton & Sharrie Stephens, 5556 Canton Dr., Leon and Hendrika Van Lieshout, 5574 Canton Dr., Elwood and Rachel Long, 5587 Canton Dr., Bryan Dibble of Morgan Mgmt in Pittsford, Sharon Grimmelt and Evelyn Gilbert, 3478 Dixon Drive, Mary and Fred Nash, 3474 Dixon Drive, C.D.Marlowe, 5573 Canton Dr., Ed Pehta, 3468 Dixon Dr., Bill Brown, 3454 Thorpe Dr.

**Chairman John** opened the meeting at 8:00 and announced this is an informational meeting only. The County Planning Board must first meet concerning this property before this Board may take any action. This Board will reconvene January 19 at 7:30 to take up this matter at that time.

**Chairman John** explained the issues at hand deal only with the setbacks and the walking paths in phases 1 and 2. Please keep discussion to those two issues only. He then requested the green cards (certified return receipts from adjacent properties to the applicant). There were 21 sent out and 19 returned. **James Bonsignore**, spokesman and attorney for this project gave a review of how these plans have changed since meeting with the Board several years ago. In May the Town Board amended the Town's Manufactured Home Ordinance bringing it up to industry standards. The local law changed in May. To finish the project, there was a full instrument survey of Phase I. That is done showing where all existing homes are located. The owners aim to have all into compliance. To that end they are requesting two variances:

Variance I-to bring all into compliance. It won't alter what has been constructed. He presented a map for all to see. Phase I lines have shifted slightly. There were 12 lots that don't meet the original plan.

A bulk variance was the last request for over 200+ variances.

Presently most are on the eastern side of Oxford Lane. Numbers 25,26,27,28 and 32 in the original Phase 1. They all concern square footage, depth and width. The new code allows for 10% variation of the required depth. With lots R27 and R28, the line between is less than 10%.

Chair John asked James Bonsignore to explain the map markers: A=area; D=depth; S=setback; W=Width.

R26 needs lot coverage variance from 25' to 26'

In Phase II, all lots meet code—no variances are needed. R 125 is not a residential lot, but the pump station, and no variance is needed.

12 Variances are needed in Phase 1:17, 18, 21, 22, 24, 25, 26, 27, 28, 32, R48, R53

VARIANCE II Walking Paths—to be between yards of homes. The residents don't want them. They want them removed from Phases 1 & 2.

**Chair John** Is there to be a recreation center with walks gone?

**James B** Yes- access through Thorpe Drive and Road G across National Grid property.

**Soren** clarified that there is a recorded dedicated easement through National Grid.

The indoor recreation center is proposed with passive recreation in the area that is open. The conceptual view went to the Town Planning Board Dec 14 and they return to the Town Planning Board in January with a final approval expected in February.

**Soren** asked about the survey dated August 2009. Were there any subsequent drawings?

**James B** Yes, 11/17/09 for the recreation building.

**Soren** All variances then are in preexisting Phase I? **Yes**

**Rick** This Board has seen a history of the applicant asking for soooo much. Phase II is in compliance. The plan is 100% compliant. Changes were made in the law and due diligence has been shown. This is totally different from what was asked before.

**James B** Other issues do exist and hopefully they can work through them.

**Chair John**—There was or is to be an instrument survey for Phase II? **Agreed.**

**James B** We want to avoid problems with Phase II.

**Vice Chair Rick**—Twelve lots need variances. We can't do a blanket variance. We will have to do each one individually.

**Attorney Jim Coniglio**—Your decision should define each and every lot.

**Vice Chair Rick**—Phase I paths are for physical fitness and a way to get to the recreation center. Before negating this plan, we need to discuss it. In future, residents may want walks in Phase II. Don't give up without due consideration. Think long and hard. Hear what the residents want.

**ZEO Ron**—The residents want the community center now. The terrain is difficult to walk.

**Hendrika Van Lieshout** read his letter to the board (it is attached to these minutes). To summarize: Leave a walking path to the community building—no clear way to get there; walking in the road? -no top coat—glorified gravel road; Map—no one owns anything anyhow—wants survey stakes to show his land; bushhog vacant land to lower rodent population .

**Vice Chair Rick**—Just two items to discuss, please—walkways and variances.

**James B** Lakeville Estates will see if an easement is possible for walking to the community center from the south.

**Sharron Stephens** asked that her letter be read into the minutes and Chair John read the letter. See Attached.

**Peter** asked what is in the lease agreement? Is there anything that ties square footage to the actual lot that is rented?

**Many Tenants responded**—We pay a flat rate for rental of a lot. Size doesn't matter. We pay taxes on our homes. The landlord pays taxes on the land.

**Soren** commented that monuments and stakes are obsolete but this Board will require staking for a variance. The Board will come see each lot and each must be staked at that time.

**Sharron** at #50 but labeled #49, said her lot line has changed 4 times: the original; when the house was built beside her; in the 90's and now a new map.

**Soren** said early on the early survey in the 80's wasn't stamped and may have been arbitrary.

**ZEO Ron**—At the time he became the zoning enforcement officer, he was told that the patio requirement could be replaced by a garage. It is a cement pad with or without a garage.

**Sharron** Why don't you follow the code? The patio is missing.

**Chair John** read a letter from Dora Coates (see attached)

**Chair John and Vice Chair Rick** discussed walkways. A house was built across walkway at #17.

**Sharron**—we don't want people in our backyard.

**ZEO Ron**—That sentiment is shared by many I've spoken with.

The audience was polled: 8 said NO and 3 said YES to walkways.

**Ed Peta** has a list of current residents and the numbers that don't correspond to the present lot map.

**ZEO Ron**—Ask the residents about paths to the community center.

**Audience**—upgrade the roads.

**ZEO Ron**—The roads are in sound repair. The repairs he requested were made. They can't have potholes. Paving isn't required.

**ZEO Ron**—Following Chapter 75, the ZBA can specify about paths.

**Soren**—Lakeville Estates will need to stake the properties needing a variance a week before the January meeting. When next the ZBA sees a map it would be good if current house numbers were added to the corresponding lots. Mr. Peta has the list. **Vice-Chair Rick Taylor** moved that the Lakeville Estates hearing be tabled until January 19, 2010 and **Peter Palermo** seconded, Carried.

**Soren Thomas** moved approval of the August 25 minutes of Rosa and Gray. **Steven Haigh** seconded. Carried.

**Vice-Chair Rick Taylor** moved that the meeting be adjourned with a second from **Soren Thomas**. Carried.

Meeting ended at 8:20 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.