

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, January 19, 2010

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 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, Soren Thomas and Steven Haigh.**

Public Present: Ron Maxwell, Code Enforcement Officer, James Bonsignore, Esq., applicant, Ronald Hull, Esq., as Town Attorney, James Oberst of MRB Group as Town engineer, Leon and Hendrika Van Lieshout, 5574 Canton Dr., Elwood and Rachel Long, 5587 Canton Dr., Carlton and Beverly Hogan, 3474 Oxford Ln., Harold Ed Pehta, 3468 Dixon Dr., Richard Nereau, 3473 Oxford Ln, Clarence Marlowe, 5573 Canton Dr., Greg Foust, 5179 West Lake Rd., Howard Appell, Livingston County News, Kevin Morgan and Scott Harter of Lakeville Estates,

Chairman John Maxwell reconvened the meeting from December 15, 2009 at 7:35 and read a letter from the County Planning Board. (Letter attached) disapproving the removal of the walking paths. He pointed out that the configuration of the ZBA Board tonight was three members and that to override the County Planning Board, this board would need a supermajority of four members. If this is the action the Board wants to take, it cannot be taken tonight.

Chairman John Maxwell agrees with the county letter and the Town Planning Board as to where they want access into the recreation center. He asked if a survey of the residents had been done.

James Bonsignore said it had that the residents don't want walking paths in some approximate places. He polled 28 of the 50 lots in Phase I. 21 of 28 said NO to walkways. He then gave a copy of the survey to Board members.

Soren Thomas asked about the worst case scenario described in this survey and asked to be shown where it would go.

James Bonsignore asked if they put in some walkways but not all, would a super majority be needed to eliminate the others?

Ron Hall said there is some requirement in the code for walkways. If the original walkways were eliminated, a variance would be needed.

Ron Maxwell, ZEO, commented that the only reason the walkways are in the Lakeville Estates plan is that they were already in the Town code. To him this is a site plan issue and the walkways are not an extensive issue in Phase I.

General discussion followed and **James Bonsignore** is in agreement with the idea to table the walkway matter until the determination of what is excessive or needed is made.

Soren Thomas moved and **Steven Haigh** seconded the motion to table the walking paths issue until the fourth ZBA member is appointed. Carried.

Soren Thomas asked if the Planning Board had seen the walk way map? No. They will see it next week when the meet.

Chairman John Maxwell moved on to the requested setbacks.

James Bonsignore, began by clarifying on the variances needed. Upon examination of the survey map, it was found that Lot 17 needs no variance. It is over by 3'. The line was in the wrong place on the map.

Three lots were added for depth but subsection K allows for 10% deviation on lot depth. These three lots fall within that depth deviation. Those are lots R31, R33 and R 54.

The request is now 11 variances in Phase I to clean up this project and to comply with the new code.

Chairman John Maxwell commented on the reduction of variances requested going from 220 down to 11. He then asked if Phase I has been surveyed and staked and flagged.

From the audience came—Yes, The surveyor was there four days.

Chairman John Maxwell read a letter from Milton & Sharrie Stephens, 5556 Canton Dr., (see attached)

James Bonsignore pointed out that the purpose of their present request for these 11 variances is to conform the community to the new code. This is considering the entire project and eliminates the need for individual variances.

Attorney Hull said the changes in the law by the Town Board are now into the code. When the changes are less stringent than before, the code applies across the Board. The lot dimensions are not what they were but are as the code now states them.

Chairman John Maxwell commented again on the reduction of variances requested going from 220 down to 11.

Leon Van Lieshout stated that homes are not in compliance. “Don’t change horses in the middle of the stream.” He gave information to the Board showing lot sizes and changes

due to the new law adopted by the Town Board. He showed measurements of the old and new map. Roads didn't move but different monuments must have been used. If you take away from one, then others on either side don't comply. Numbers in the park don't change.

James Bonsignore said the problem is with the surveys. Numbers on the map (then shown on the table) are for counting lots. The square feet of the lots may vary. These are lease lines. The property is one large unit. If residents have issue with lot sizes, take this up with the landlord.

Leon Van Lieshout I bought the house with that lot, a corner lot at 5574 Canton Drive and this new survey doesn't consider the people and personalities.

James Bonsignore We've tried to correct past mistakes and bring this whole project into compliance. Nothing has changed.

Scott Harter, using the present map as reference, found Lot 11. It had 13,720 sq. feet then and according to the new map it has 14,383 sq. feet.

Leon Van Lieshout It doesn't correspond. The tax map doesn't agree. When #12 was squeezed in, he lost. Could he comment on walking paths now?

Chairman John Maxwell said when we reconvene. It is not to be discussed now.

Clarence Marlboro commented on the survey. When it was done, the residents were told "walking paths are to be grass." There should be a resurvey of the residents about walking paths. He is concerned about safety. "We need paths with more people walking around. Maybe not on Oxford, but on new streets. I agree with the planning Board. Do a new survey. Look at Phase II separately. Every 500' we need walking paths (block). From Thorpe to the new section we will need a path. Look out for safety.

Beth Hogan spoke out to say her deck is on the path and she doesn't want to lose it.

Attorney Hull said code is unclear on walkways. Perhaps this is a site plan concern. Take the survey and residents attend too. This may remain with the Planning Board and not return to the ZBA.

Chairman John Maxwell asked if this might be the appropriate time to address SEQR.

Jim Oberst, town engineer, said the short form is appropriate.

James Bonsignore We resubmitted the EAF and variance requests. In this aspect the short form is appropriate. He then filled out and read and signed his portion of the short SEQR form.

Jim Oberst filled out and read part two of the short SEQR form.

Steven Haigh moved that the proposed action of the Board will not result in any significant adverse environmental impact. **Soren Thomas** seconded. Carried. At this point Chairman John Maxwell signed the SEQR short form for the ZBA, the lead agency in this action.

Chairman John Maxwell asked the Board to consider the variance requests as a whole, noting that each and every variance will be voted upon individually. 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? NO, nothing has changed.
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? NO Most are not substantial. Numbers 21 and 26 are the most substantial if looked on a per item basis. These lots already exist.
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

Chairman John Maxwell would like to see in Phase II that the monuments and boundaries marked and each lot surveyed to eliminate problems found in Phase I.

Steven Haigh mentioned benchmarks and concerns about the recreation center.

Attorney Hull said this is a site plan issue and not for tonight.

Chairman John Maxwell requested that the Board make the necessary motions to grant or deny the individual variance applications. He has no problem passing the variances.

Soren Thomas moved that for Lot R-18 (3474 Oxford Ln.) a rear setback variance of 2.37 feet be granted. **Steven Haigh** seconded. Motion carried.

Steven Haigh moved that for Lot R-21 (3466 Oxford Ln.) a lot area variance of 817 square feet and a lot width variance of 14.9 feet be granted. **Soren Thomas** seconded the motion. Carried.

Soren Thomas moved that for Lot R-22 (3464 Oxford Ln.) a lot area variance of 803 square feet be granted. **Steven Haigh** seconded. Motion carried.

Steven Haigh moved that for Lot R-24 (5584 Canton Dr) a lot area variance of 1,542 square feet, a lot depth variance of 7.6 feet be granted. **Soren Thomas** seconded the motion. Carried.

Soren Thomas moved that for Lot R-25 (3465 Oxford Ln.) a lot area variance of 2,594 square feet, a lot depth variance of 7.6 feet and a lot width variance of 20.3 feet be granted. **Steven Haigh** seconded. Motion carried.

Steven Haigh moved that for Lot R-26 (3467 Oxford Ln.) a lot area variance of 1,587 square feet, a lot width variance of 15 feet, a lot coverage variance of 1 % and a real setback variance of 6.46 feet be granted. **Soren Thomas** seconded the motion. Carried.

Soren Thomas moved that for Lot R-27 (3471 Oxford Ln.) a lot area variance of 282 square feet, a lot depth variance of 3.9 feet and a lot width variance of 0.4 feet be granted. **Steven Haigh** seconded. Motion carried.

Steven Haigh moved that for Lot R-28 (3473 Oxford Ln.) a lot area variance of 628 square feet and a lot depth variance of 15 feet be granted. **Soren Thomas** seconded the motion. Carried.

Soren Thomas moved that for Lot R-32 (3472 Sonora Way) a lot area variance of 276 square feet, a lot depth variance of 4.2 feet and a lot width variance of 0.4 feet be granted. **Steven Haigh** seconded. Motion carried.

Steven Haigh moved that for Lot R-48 (5562 Canton Dr.) a lot width variance of 7.9 feet be granted. **Soren Thomas** seconded the motion. Carried.

Soren Thomas moved that for Lot R-53 (3453 Thorpe Dr.) a lot area variance of 1,159 square feet, and a lot depth variance of 8.6 feet be granted. **Steven Haigh** seconded. Motion carried.

Steven Haigh moved approval of the December 15, 2009 minutes of Lakeville Estates. **Soren Thomas** seconded. Carried.

Soren Thomas moved that the meeting be adjourned with a second from **Steven Haigh**. Carried.

Meeting ended at 9:25 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary,
Geneseo Town Zoning Board of Appeals.

ATTACHMENTS

Letter from County Planning Board

Letter from Town Planning Board

Letter from Milton and Sharron Stevens



**LIVINGSTON COUNTY
PLANNING DEPARTMENT**

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6 Court Street, Room 305
Geneseo, New York 14454-1043

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January 19, 2010

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

Re: Zoning Referral #2009-115, Town of Geneseo, Area Variance to eliminate walking paths in Lakeville Estates on Route 20A and Area Variances for 15 existing lots in the development (Applicant: James Bonsignore for Lakeville Estates)

Dear Ms. Bennett:

The Livingston County Planning Board, at its regular meeting on January 14, 2010, 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" of the Area Variance to eliminate walking paths in Lakeville Estates because walkways were presented and approved in prior plans and this would result in the removal of a promised benefit to the residents.

The Planning Board voted to recommend "Approval" of the Area Variances for 15 existing lots in the development with the following advisory comments:

1. The regulations of NYS Law 239-nn apply to this proposal because this proposal involves lands that are within 500 feet of the Town of Livonia boundary. The Town should ensure all the necessary notifications are completed as required.
2. The Applicant should ensure that the Environmental Assessment Form supplied to the Town is complete and correctly states the number of area variances.
3. The Town should carefully consider the benefits of the requested variances to the Applicant against the potential negative impact on the neighborhood.
4. If not done already, the Town should consult with the Town Attorney to see whether the removal of walking paths requires an area variance or a site plan modification.
5. The Applicant should provide the Town with a revised map that accurately states the number of dimensional area variance requested for the lots in Phase I and II.

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,

A handwritten signature in cursive script that reads "Angela Ellis".

Angela Ellis
Planning Director

cc: Pat McCormick, Chairman, Livingston County Planning Board
Craig Macauley, Town of Geneseo representative, Livingston County Planning Board
James Bonsignore for Lakeville Estates, Applicant

**Town of Geneseo
Town Planning Board
Geneseo, NY 14454**

January 12, 2010
Mr. John Maxwell, Chairman
Zoning Board of Appeals
Town of Geneseo
Geneseo, NY 14454

Mr. Maxwell;

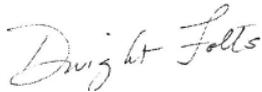
This is to inform you that at the Town Planning Board meeting held January 11, 2010. In that meeting we discussed the issue of whether or not Lakeville Estates MAC LLC may eliminate the requirement for walking paths in both Phase I and Phase II.

It is the consensus of the Town Planning Board that the walking paths must remain. Further, it is the consensus of the board that the walking paths be delineated and that markers and mulch or crushed stone be added to the paths.

It was further discussed that a walking path be added to the Phase II plans between lots 71 and 72 and between lots 61 and 62. This would allow for more direct access for residents in the front of the development to the recreation building to be constructed during Phase II. This may be more appropriately discussed during our site plan review but is included for your information and to assure you that we intend to press for walking paths, as planned, within the development.

Should you or your board have any further questions or comments please contact me directly.

Sincerely,



Dwight Folts, Chairman
Town of Geneseo 585-
455-6983 (Cell)

Jean

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From: "Sharrie" <sharrie5556@myway.com>
To: <Town@geneseony.org>
Sent: Sunday, January 17, 2010 8:42 PM
Subject: Variances in Lakeville Estates

Dear Zoning Board of Appeal Members,

The General Code for the Town of Geneseo, Chapter 75-4 was not amended until April 23, 2009 changing the lot requirements from 90 ft. to 80 ft. All the homes in Lakeville Estates were already in existence. Wouldn't a variance be required for those lots not meeting 90' x 120' and corner lots that are not 1 1/2 times the width and area of regular lots?

Sincerely,
Milton and Sharron Stephens

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