

Town of Geneseo
Zoning Board of Appeals
Public Hearing for Randy Cofield, 4565 West Lake Rd.
Tuesday, April 13, 2010

Appeal by **Randy Cofield**, appellant, from a decision of the Code Enforcement Officer and application for permission to subdivide a lot into two (2) lots when one of the resultant lots fails to meet the minimum lot width of 100 feet frontage at the road for Zone District L (Lake Shore) as per Schedule II of the Town of Geneseo Zoning Code on property located at 4565 West Lake Road in the Town of Geneseo, NY.

Board Members Present: Chairman John Maxwell, Peter Palermo, Steven Haigh and Greg Foust

Public Present: Ron Maxwell, Code Enforcement Officer, Randy Cofield, applicant, Larry and Ann Murray, 4399 Blue Heron Dr., Ken Hathaway, 4573 West Lake Rd.

Chairman John Maxwell opened the meeting at 7:35 and requested the green cards (certified return receipts from adjacent properties to the applicant). Eighteen were sent out and sixteen were returned. He then confirmed that all the Board had viewed the property.

Chairman John Maxwell read a letter from Assessor LaVigne into the record (copy attached). The two properties were combined in 1994 at the owner's request.

Chairman John Maxwell read a letter from the County Planning Board approving the variance request. (Attached)

At this time the Board members invited the applicant to the table.

Randy Cofield explained that the property was surveyed two years ago and the survey confirmed the total lake frontage was 200 feet. Each lot would have 100 feet lake frontage. He asked the Board to look at his map with lots A & B shown. According to that map, Lot B has adequate road frontage but lot A needs 10 feet of variance as it only has a 90' road frontage.

Randy Cofield continued--These two lots fit in with the neighboring lots in similar sizes. He showed an older map showing comparable lots. Each lot has an existing curb cut which is valid.

Greg Foust What is the dimension on Parcel A where it is the widest and how wide?

Randy Cofield, using a ruler, estimated it to be 110'. The lot is .6 acres whereas Lot B is .5 acres. The difference between now and the assessor's letter is that there is 100' frontage for both lots.

All studied the maps and made comments on the measurement.

Ken Hathaway--This division is in keeping with the neighborhood. All were part of the Wadsworth land and were divided equally at the time of the sale. He has lived there since 1965. If this were one lot, Randy could have a marina, as he would be entitled to many boat slips. Ken favors the division of this property.

Ron Maxwell, CEO, researched boat slips regulations while the Board waited. The owner is entitled to one slip per 50' of property line for non-commercial lots. Therefore the most the large lot could have would be four.

Chairman John Maxwell took the short form SEQRA under consideration. All questions were answered in the negative.

Chairman John Maxwell directed the Board to the SEQRA application and requested the Board to assist with the form. He read the form aloud and the Board made appropriate comments.

Peter Palermo moved and **Steven Haigh** seconded the motion to approve the SEQRA form as prepared and directing Chairman John Maxwell to sign it. Carried.

Chairman John Maxwell signed the SEQRA form.

Chairman John Maxwell summarized: a 10' front yard lot width variance for the divided lot at 4565 West Lake Road would be needed.

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**.
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** 10% isn't substantial. It is similar to other nearby lots.
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 asked Randy Cofield how long he has owned this property

Randy Cofield Since August 2007

Ron Maxwell, CEO, There is still a boathouse on Lot A.

ALL--Was there a house there previously. Signs indicate that had been a house before.

Chairman John Maxwell--Do you plan to sell one lot?

Randy Cofield--I'm not sure. I wanted to have the option.

Peter Palermo moved the granting of a *10' front yard lot width variance for the divided lot at 4565 West Lake Road.*

Greg Foust seconded. The vote was: **Chairman John Maxwell** -aye; **Peter Palermo**-aye; **Greg Foust** -aye; **Steven Haigh** - nay. **Motion Carried.**

Chairman John Maxwell asked for approval of the Lakeville Estates March 23 minutes. **Steven Haigh** moved approval as amended and **Greg Foust** seconded. Carried.

Chairman John Maxwell asked for approval of the Brewer March 23 minutes. **Steven Haigh** moved approval as amended and **Greg Foust** seconded. Carried.

Chairman John Maxwell asked for approval of the Five Star Bank March 23 minutes. **Steven Haigh** moved approval and **Greg Foust** seconded. Carried.

Peter Palermo moved that the hearing and meeting be closed and **Steven Haigh** seconded. Motion carried. Meeting adjourned at 8:30 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.