

**Town of Geneseo
Zoning Board of Appeals
Public Hearing for Jacqueline Lavoie, 4043 Graywood South
Tuesday, June 22, 2010**

Appeal by **Jacqueline Lavoie**, 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 measured from the NYS highway right-of way as per Schedule II of the Town of Geneseo Zoning Code on property located at 4043 Graywood South in the Town of Geneseo, NY.

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

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Jacqueline Lavoie**, applicant, **Chuck Wolcott**, builder, **Linda and John Unger**, 4015 Graywood S, **Linda Burdulis** and **James Petherick**, 4039 Graywood S, **Mary Beth Gueldner** and **Robert Gueldner**, 4051 Graywood S.

Chairman John Maxwell opened the meeting at 7:30 and requested the green cards (certified return receipts from adjacent properties to the applicant). Sixteen were returned. He then confirmed that all the Board had viewed the property. He then invited the applicant and builder to the table.

Chairman John Maxwell made an observation that he measured between stakes and got 59' and didn't agree with the 58.17' on the diagram. He couldn't find the other stakes. He added 15' + 21.5' width + 22.5' by the road for a total of 59'.

Chuck Wolcott, builder, explained he made the sketch using the property line. Craig Welch is to resurvey, if doing this project is a possibility. They have seen all the letters. They can make the garage smaller. Why pay for a survey if the variance is turned down.

Chuck Wolcott, builder, continued. The garage is to be finished like the house. It will be 8' to 9' shorter than the garage to the south. There is to be room for a car below and some storage above. The peak would be above the road. The rest would be below the road. It will be behind the guard rail.

Soren Thomas said the depth of 22' shown on the survey would be a larger footprint than the neighbor garage.

Chuck Wolcott said it would be the same depth as the neighbor's garage. The back stakes are in line with the neighbor's, close to the property line. The survey stakes must be parallel to the neighbor to avoid the sewer easement.

Soren Thomas questioned, as he observed the stakes in front and back, whether 22' deep will accommodate a car and not push it into the road?

Chairman John Maxwell noted that the DOT didn't care. All had received that email.

Chuck Wolcott said the back wall will be solid. Guard rail behind. No roadside access, at this time.

Chairman John Maxwell referred to a letter from the County Planning Board recommending approval. He strongly noted that THIS BOARD makes final approvals, not the County Planning Board.

Chuck Wolcott said if there are no outstanding issues, then the survey will be done.

Chairman John Maxwell asked for comments from those in attendance.

Robert Gueldner, 4051 Graywood S., said that Graywood South is a public road. Doug Houghton's garage property is grandfathered and made winter access to the road untenable. Another garage will make winter maintenance even worse. Presently the road can't be plowed unless cars are removed. There is a hydrant there too. If fire or ambulance were needed, a full-sized truck won't get down that road. I want a public road and not a private driveway. I urge the Board NOT to approve this request.

James Petherick, 4039 Graywood S, is the next door neighbor. He has the same concerns as Gueldner. He can't turn around with his truck.

Jacqueline Lavoie, applicant, doesn't want congestion either. Her cars are into the road. If they were in the garage, there would be more road access. It would improve the safety, not create more risk.

Chuck Wolcott said this project doesn't affect the public highway. It is not encroaching on the highway or the right-of-way.

James Petherick wondered how the ROW is determined. One stake is on the edge of the road.

Ron Maxwell, Code Enforcement Officer, asked if Graywood S is a dead end or through road.

All agreed it is a dead end. **Mary Beth Gueldner** is concerned if there were a fire or if an ambulance were needed. How could the help get in. There is a hydrant but could it be used?

Ron Maxwell, Code Enforcement Officer, said no fire truck would be going down it. The hydrant is at the closed end. If there were a fire, the hydrant used would be the one up on the highway. A fire truck will not pass a burning building to get to a hydrant. They would not jeopardize a truck.

James Petherick offered a picture to show the stake on the edge of the road.

Ron Maxwell, Code Enforcement Officer, said this can't be a standard road with a dead end. It was the old roadbed.

Mary Beth Gueldner asked if it were a two car garage.

Jacqueline Lavoie, applicant, said it was for two cars with one 16' door. It would be 21.5' wide and the same depth of Doug's (Houghton next door). They would make it as small as possible.

James Petherick wondered if they would dig up the road in putting in footers. No.

Soren Thomas commented on the unclear property line and use of the telephone pole in part of the measurements. He said that the Houghton house is in the Town of Livonia and the garage in the Town of Geneseo. Livonia didn't require a variance for the house. Doug Houghton rebuilt the garage next door on an existing footprint before zoning changes happened in the Town of Geneseo.

Chairman John Maxwell took a straw poll. He commented that the variance requested is substantial.

Soren Thomas said 32' from the state ROW is required. This is over a 50% variance-more like 90%. Anything over 50% is substantial. He will deny.

Chairman John Maxwell will deny, **Peter Palermo** will deny, **Steven Haigh**, will deny, **Greg Foust** will deny.

Since the Board was ready to deny this application, they did not complete a SEQRA short form or answer the 5 questions necessary for an area variance.

Greg Foust asked if the applicant took the next step and did the survey, would the vote change?

Members of the Board indicated a new survey would not change the vote.

Soren Thomas moved to deny the variance. **Peter Palermo** seconded the motion. The vote was **Chairman John Maxwell** - aye, **Peter Palermo** -aye, **Steven Haigh** -aye, **Soren Thomas** -aye, and **Greg Foust** -aye. Motion carried.

Peter Palermo moved that the hearing be closed and **Steven Haigh** seconded. Motion carried. Hearing closed at 8:00 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.

Attachments: Liv. Co. Planning Bd.

DOT email

Marianne & Doug Houghton

Robert & Mary Beth Gueldner

Richard Wm. Bondi et al

Peter & Donna Bondi

Linda & James Petherick