

**Town of Geneseo**  
**Zoning Board of Appeals**  
**Public Hearing for Deborah Emerson 4670 Lakeville Rd.**  
**Tuesday March 13, 2012**

Appeal by **Deborah Emerson**, appellant, from a decision of the Code Enforcement Officer and application for permission to subdivide a property when the resulting lot fails to meet the required frontage width of 500 feet in the Highway Residential (HR) District, as per Schedule II of the Town of Geneseo Zoning Code.

Board Members Present: **Chairman John Maxwell, Greg Foust and Steven Haigh.**

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Ken Emerson**, applicant and Brandon Brady, owner of land adjacent to this property.

**Chairman John Maxwell** opened the meeting at 7:35 and requested the green cards (certified return receipts from adjacent properties to the applicant). Seven were sent out and seven were returned.

At this time the Board members invited the applicant to the table. All Board members had visited the site. A letter from the Livingston County Planning Board was read declaring no concerns.

**Ken Emerson** said he owns the old Brown farm and wants to sell 25 acres to the adjacent owner, Brandon Brady but he can't. He has been to the Town Planning Board and they sent him here.

**Ron Maxwell, CEO**, explained this is a formality. The Town Planning Board cannot grant subdivision approval to a landlocked parcel. The Emerson property is in an agricultural district. The land around it is not. The simple solution is to split the Emerson land into two parcels: the one Emerson wants to retain along 20-A and the 23 +/- acres in the back that he wants to sell. The back part is landlocked and needs road access to be a legal parcel. When Brady buys it he will have a right-of-way over his own land which he won't need, but for right now, Emerson needs a right-of-way and Brady is willing to give him one.

**Ken Emerson** That is why Brandon is here today, to verify we are above board on this. He intends to buy this property and add it to his property.

The Board had some discussion about granting this making sure that the right-of-way wouldn't be used for some unseen possible future development if this sale fell through. Emerson and Brady were in agreement.

**Chairman John Maxwell** summarized: Looking to grant a 40' frontage variance to allow the back 23 acres to be subdivided.

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? **Yes**,
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**

**Steven Haigh** moved to grant a 470' frontage variance at 4070 Lakeville Road to allow the property to be subdivided and the southern 23 +/- acres sold to Brandon Brady. **Greg Foust** seconded. Carried.

Chairman John Maxwell asked for approval of the Applebee January 24, 2012 minutes. **Greg Foust** moved and **Steven Haigh** seconded. Carried.

Chairman John Maxwell asked for approval of the Applebee January 31, 2012 minutes. **Steven Haigh** moved and **Greg Foust** seconded. Carried.

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