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**Town of Geneseo
Zoning Board of Appeals
Public Hearing for Richard Gray for Gray Family Partnership
4865 through 4893 Stonehouse Drive and
4944 through 4913 West Lake Rd.
Tuesday October 23, 2012**

Appeal by **Richard Gray**, appellant, from a decision of the Code Enforcement Officer and application for permission to subdivide 2 lots into 21 lots with preexisting cottages, whereby the 21 lots fail to meet the minimum lot size, the minimum yard setbacks and will exceed the maximum building coverage allowed, all of these requirements according to Schedule II of the Town of Geneseo Zoning Code on property located at 4865 Stonehouse Drive through 4893 Stonehouse Drive and 4911 West Lake Road through 4913 West Lake Road in the Town of Geneseo..

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

Public Present: **Ron Maxwell**, Code Enforcement Officer, **Richard A. Gray**, applicant, 5020 Lakeville-Groveland Rd., Geneseo, **Roger S. Keymel**, 4876 Stonehouse Dr., **Keith Hollar**, 4872 Stonehouse Dr., **Don & Georgene Ehmann**, 4887 Stonehouse Dr., **Helen M. Mavity**, 4874 Stonehouse Dr., **Jean Trescott**, 5097 West Lake Rd., **Anne Rosa and Bob Maggio**, 4891 Stonehouse Dr., **Craig Ferguson**, 4919 West Lake Rd., **Kathy and Joe Rizzo**, 4913 West Lake Rd., **Dan and Karen Miller**, 4915 West Lake Rd., **Sharon Miceli**, 4873 West Lake Rd., **Kevin & Teri Runic**, 21 Ashleaf Dr., Cheektowaga, NY 14227, **Karen and Milton Ebersold**, 121 Lake St., LeRoy, NY, **L. Ross Barden**, 35 Perine St., Dansville, NY, **Sandie and Dean Pendergast**, 3010 Cuylerville Rd., Leicester, NY, **Tony and Tamara Gullo**, 2711 Cuylerville Rd., Leicester, NY, **Robert D.Snow, Jr.**, 4870 Stonehouse Dr.

Chairman John Maxwell opened the meeting at 7:42 and requested the green cards (certified return receipts from adjacent properties to the applicant). 19 were sent out and 15 were returned. Richard Gray noted that he also sent notices to all current residents of the cove, as a courtesy.

A letter from the **Livingston County Planning Board** was read declaring their concerns which are addressed later in the hearing.

A letter dated Oct 23 was read from **Tom and Betsy Beers** of Gainesville,FL regarding their property at 4871 and 4873 Stonehouse Dr. and each point was addressed during the hearing. A previous letter of theirs was also read (July9, 2012) in which they were in favor of the project.

A letter from the **Geneseo Town Planning Board** was read in favor of the proposed plan.

A letter from **Larry Levey** with no conflict to the proposal.

At this time the Board members invited the Richard Gray to the table. All Board members had visited the site. **Richard Gray read an opening statement** to explain why we are here. Significant to this hearing are these sections of that statement:

“The simplest and most profitable way to sell the ”Long Point Cove” properties is for the Gray Family Partnership to sell the entire parcel(s) as one. However, we feel morally obligated to attempt to give each cottage/homeowner the “first refusal” to purchase the lot on which their

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cottage resides. Some residence owners have lived there for over 60 years. Others have invested heavily in their homes, sometimes using their life savings. Denial of this subdivision request would be a tremendous hardship on those individuals.

“Zoning laws have been enacted since the property was purchased in 1952. The current process to sell these pre-existing, non-conforming lots to the homeowner(s) is cumbersome, complicated and very expensive. We approached the Town of Geneseo Planning Board and received “Concept Approval”. We have met with the Livingston County Planning Board and have received comments and recommendations. We are now asking for variance approvals as each of these pre-existing, non-conforming lots fail to meet current regulations in some form.

“The Subdivision request has lots that are almost identical in size to the properties of Creekside Lane and North Point Drive, both former Wadsworth properties and similar in nature. We have attempted to address each issue of concern in a comprehensive manner.”

The Board had a map of September 26, 2012. **Richard Gray** presented a new map of October 23 showing water, gas and sewer lines. These were the only changes to the previous map.

When asked about a Homeowners Assn., **Richard Gray** explained that most originate with the Attorney General and that takes years. North Point Dr. and Creekside Drive each have unofficial homeowners groups that meet twice a year to discuss road maintenance.

Ron Maxwell noted that there is no common area on Stonehouse Drive other than the driveway.

Keith Hollar--We just want to stay in our houses.

Don Eamon--In 1968 it was our cottage and 1985 became a permanent home. What happens to me if he sells to a single buyer? We are very similar to Creekside. This should be treated the same way, if they own their homes.

Milton Ebersold--We have been there 35 years. We're in a bind. We want this to go through.

Helen M. Mavity--My family cottage goes back to 1950--over 60 years. I've been there myself for 23 years. This place is a part of my life.

Greg Foust--Is anyone in opposition? NONE

The Board asked about the final map. **Richard Gray**-- It is to include the exact measurements of the width of the shoreline plus correct wordage on the map concerning the common roadway plus missing County Planning Board's concerns.

Richard Gray---As to the easements to the creek, the Town and the Town Planning Board can work out the easements. The Town usually takes care of these and not the homeowner. As for the County's Concern--PRIVATE WATER--There is a 6" water main by each cottage. There is public water for all and no need to mark private water sources which are truly unknown to most owners. Pipes go into the lake for summer cottages but this water is unfit for drinking.

Joe Rizzo, 4913 West Lake Rd., asked the time line and expectations for this project.

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Richard Gray--Back to the Planning Board the 2nd Monday of the month for final approval. Then to determine what prices to ask for each property. To discount those currently on 2010-12 leases. The prices to the residents before April and to adjust rent money to purchase price.

Ron Maxwell. The maps will be signed by the Planning Board who has 60 days to record them. The County work is done concerning subdivision and variances so there won't be delays there.

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, no change at all.
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance? Yes--the property can be sold as a whole without dividing it.
3. Is the requested variance substantial? Yes--they are all non-conforming lots.
4. Will proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? No, there will be no change at all.
5. Is the alleged difficulty self created? Yes.

Peter Palermo moved to grant the area variance to subdivide two lots into 21 lots with pre-existing non-conforming cottages on property located at 4865 Stone House Drive through 4893 Stone House Drive and 4911 West Lake Road and 4913 West Lake Road. Subject to the map dated 10/23/12 to include the following additions: 1. The surveyed Lake front footage per lot; 2. The requests of the County Planning Board be forwarded to the Town of Geneseo Planning Board, as outlined in the letter dated 10/12/12 from the County Planning Board. **Greg Foust** seconded. Carried unanimously.

Chairman John Maxwell asked for approval of the **Piccirilli May 22, 2012** minutes. **Steven Haugh** moved and **Peter Palermo** seconded. **Carried.**

Soren Thomas moved that the hearing be closed and **Greg Foust** seconded. Motion carried.

Meeting adjourned at 8:30 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.