

APPROVED

**Town of Geneseo  
Zoning Board of Appeals  
Joseph DiLaura  
5355 Creekside Lane  
tax map no. 91.44-1-7  
7:30 PM Tuesday May 28 2013**

An Appeal by **Joseph DiLaura**, appellant, from a decision of the Code Enforcement Officer and application for permission to construct a single family residence which fails to meet the side yard setback of 15 feet on the northern property boundary and fails to meet the rear yard setback of 15 feet from the DEC high water mark measured laterally or the average of two lots on either side of the development site, whichever is larger, all of these requirements as per Schedule II of the Town of Geneseo Zoning Code, on property located at 5355 Creekside Lane in the Town of Geneseo.

Board Members Present: **Chairman John Maxwell, Steven Haigh, Mike Dabramo, and Carolyn Meisel**

Public Present: **Ron Maxwell**, Code Enforcement Officer, David and Judith Bubel, 5349 Creekside Ln., Norman Anderson, 5345 Creekside Ln., Bob and Maria Horrocks, 5341 Creekside Ln., Robert and Donna Brennan, 5351 Creekside Ln., Sarah Brennan, 5352 Creekside Ln., Peter Jacobson, 5353 Creekside Ln., Jonn and Carol Genzken, 5343 Creekside Ln., Cheryl Eigg and Mary Maggio, 5347 Creekside Ln., Don and Jan Jones, 5323 N. Point Dr., Robert and Lois Morris, 4875 Stonehouse Dr., Gary Cox, 4881 Stone House Dr., Donald and Georgene Ehmann, 4887 Stonehouse Dr., Sandra Pendergast, 4865 Stonehouse Rd., Jon DiLaura, 7 Groveland Rd., Robert and Roberta Irwin, 10 Groveland Rd. ,Jim DiLaura, 6450 W. Swamp Rd., Conesus, **Joseph and Marianne DiLaura**, 36 TracyAve., Batavia, applicants.

**Chairman John Maxwell** convened the meeting at 7:38 and requested the green cards (certified return receipts from adjacent properties to the applicant). 13 went out and 10 came back.

A letter from the Livingston County Planning Board was reviewed. It was noted that the County Planning Department had reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

At this time the Board members invited **Marianne DiLaura** to the table. Three Board members had visited the site.

**Marianne DiLaura** said they have a large cottage on a large triangular lot. They can only go forward. They desire a year round home. They have owned the property for 23 years. They want to park two cars on the west side. The garage and remaining house = 250' and 320' for new part. The structure is to be two story. Living on the first floor. Second floor undeveloped but for future caregiver.

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Cottages in the cove have no view to the north so the addition will not block them. Large trees to the south do obstruct the view. They need to use the lot for more than grass. The addition wouldn't block the view as much as if a fence were down the property line.

If they have a new garage, it would allow more parking for the neighbors.

**Chairman John Maxwell** open the floor to others.

**Peter Jacobson** brought a slide show. He lives one house north of the DiLaura house. This request was denied for site restriction. It violates the view of neighbors. It will destroy his view to the south (for 40 years). He intends to build and will not affect the view of his northern neighbors. Stay on your foot print or go up. Deny this request. Many neighbors object (he asked for a show of hands to those who objected). Long Point Cove is blocked as well. He then showed slides.

**Gary Cox** lives south of this property. He asked for hands of those who had other relevant concerns other than a loss of view. There were none.

**Bob Morris** lives south of this property. To get a variance, they need a good reason.

**Georgene Ehmann** lives south of this property. As she looks north, she can see the buoy markers at Long Point Park. That view will be lost to her.

**John DiLaura** is not opposed. His parents want to live here year-round. People to the south don't own property. This property is farthest back of all cottages. They could have a spite fence without a variance. They want a house. He has wanted a fence for his kids and dogs. His parents have said no out of respect to the neighbors.

**Judy Bubell** Her view will be lost. She is counting on this land for her retirement. Her children have wandered all over the beaches without fences until a few years ago.

**Carol Genzken's** parents were the first on the point. Build a two story on you original footprint. She has no gripes on building a beautiful home.

**Jim DiLaura** Consider their lot size. They can't use all their property.

**Judy Bubell** She has been here since 1972. The water line has changed so front yards grew.

As things begin to get heated, **Steven Haigh** explained how the ZBA functions, based on law and not totally on how people feel.

**Marianne DiLaura** needs to use 15% of her lot. She needs parking for two cars. Most of the neighbors are snowbirds. The DiLauras have health concerns. She then touched on the 5 questions to be answered for an area variance and answered "no" to them all with her reasoning. On #5, it is unique--no place to expand. Side yard was 6' and now it is 15'. Creek is 4.5' from home so can't go that way.

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**Ron Maxwell** added the County is to remediate the creek and the easements are unknown. He also added that it is ok to erect a 6' fence without a permit.

**Peter Jacobson** wanted to review the area variance 5 questions. The Board assured him they would be addressed by the Board.

**Bob Irwin** addressed the audience and tried for a neighborhood compromise.

The Board suggested it might be in the best interest of the neighborhood if a compromise might be reached. A turn down tonight would not prevent the DiLauras from returning in the future with a new proposal but would incur future costs when delaying the decision and rethinking what has been suggested might solve the problem.

Several DiLaura family members joined together to consider alternatives and if tabling might be an option. They asked for tabling to allow them time to return with a new plan. Hopefully it also will allow time to learn the county's plans concerning easements and the creek.

**Steven Haigh** moved the hearing be adjourned until June 25 at 7:30.

**Carolyn Meisel** seconded. **Carried.**

The meeting adjourned at 9:30 P.M. Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.