

Village of Geneseo  
Zoning Board of Appeals  
Public Hearing for:  
Kenneth & Dawn Herlihy  
Address: 46 Oak Street  
Tax Map Id. #:80.16-3-27  
November 01, 2011, 4:40 p.m.

Present:

Carolyn Meisel, Chair  
Marlene Hamilton  
Paul Schmied  
Bruce Teall  
Thomas Wilson

Code Enforcement Officer:

Dean O'Keefe

Applicant(s):

Dawn Herlihy

Public Present: none

Secretary: Debra Lund

Chair C. Meisel called the meeting to order at 4:30 p.m. The Hearing is in response to a request to replace an existing garage when it fails to meet side yard setback of ten (10') feet per Bulk & Use Table 130-131 of the Code of the Village of Geneseo. The existing garage is approximately six (6") inches off the side yard lot line; a variance is needed as the new garage will be six (6') feet three (3") inches longer. Members of the Board were introduced. Proper notice was published, thirteen (13) certified letters were sent and thirteen (13) responses received. The Herlihys were invited to state their case.

D. Herlihy noted the current garage was in very rough shape. They would like to replace it with a new one that is slightly bigger and slightly taller for added storage space.

T. Wilson asked if the footprint would be within the current footprint and have concrete flooring. D. Herlihy noted the current garage has an asphalt floor and the new one would be concrete. The footprint would be within the current garage's footprint except for the few additional feet on the back.

P. Schmied asked if the new building would be the same distance from the lot line. CEO D. O'Keefe replied the footprint is the same except for the additional six feet three inches (6'3") extension on the rear of the new garage. The wall between the Herlihy's garage and the neighbors would be fire rated for one-hour and there would be no windows on that wall. The addition is in line with the current garage's side yard line.

T. Wilson noted the existing garage was extremely close to the lot line- approximately one inch (1") per the tape map. He wondered if the new building could be moved over a little farther from the lot line. D. Herlihy responded there is a new unattached deck against the yard side of the garage. They just had it built within the last year; the drive also lines up with the current garage.

P. Schmied asked what the dimensions of the current garage are. D. O'Keefe answered approximately eighteen (18') long. The Herlihys would not need a variance if the proposed building did not extend out the six feet three inches (6'3") in back.

P. Schmied asked if the driveway was shared. D. Herlihy said there are two abutting driveways that basically act as one.

Chair C. Meisel asked if there were further questions. There were none and the checklist questions were reviewed.

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? Yes \_\_\_\_\_ No  X
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes \_\_\_\_\_ No  X
3. Is the requested variance substantial? Yes \_\_\_\_\_ No  X  No, it is in the existing footprint with a short extension to the rear.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes \_\_\_\_\_ No  X
5. Is the alleged difficulty self-created? Yes  X  No \_\_\_\_\_ The new garage could be built within the old garage's footprint.

Chair C. Meisel noted this is an area variance and a type two action that does not require a SEQR. C. Meisel stated it was so noted that the proposed action has been considered under SEQR and has met the requirements for a Type II action: the proposed action is not environmentally significant.

P. Schmied moved and B. Teall seconded the motion to approve the request to replace an existing garage when it fails to meet side yard setback of ten (10') feet per Bulk & Use Table 130-131 of the Code of the Village of Geneseo. The existing garage is approximately six (6") inches off the side yard lot line; a variance is needed as the new garage will be six (6') feet three (3") inches longer. The vote was as follows: Chair C. Meisel- aye; M. Hamilton – aye; P. Schmied – aye; B. Teall – aye; and T. Wilson – aye. The motion carried.

D. Herlihy thanked the Board and exited the meeting at 4:40 p.m.

The September 06, 2011 Fly minutes were reviewed. M. Hamilton moved to approve the minutes as presented; P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel- aye; M. Hamilton – aye; P. Schmied – aye; B. Teall – aye; and T. Wilson – abstained as he was absent. The motion carried.

Discussion followed regarding upcoming building within the Village as it might pertain to the Zoning Board at some future date.

Dates for the 2012 Meeting Calendar were discussed and agreed upon.

P. Schmied moved to close the public hearing and M. Hamilton seconded the motion. All were in favor and the motion carried. The public hearing closed at 4:55 p.m.

Debra L. Lund  
Secretary