

**Town of Geneseo  
Zoning Board of Appeal  
Mary Locke and Patricia Dwyer  
5313 West Lake Road  
tax map no.100.35-1-6  
7:30 PM Tuesday May 23, 2017**

An Appeal by **Mary Locke and Patricia Dwyer** appellants, from a decision of the Code Enforcement Officer and application for permission to construct a storage shed that fails to meet the setbacks as per the Town of Geneseo Zoning Code on property located at 5313 West Lake Road in the Town of Geneseo, NY.

Board Members Present: **Chairman John Maxwell, Ken Book, Mike Dabramo and Greg Foust**

Public Present: **Shawn Grasby** Code Enforcement Officer, **Mary Locke and Patricia Dwyer**, applicants, **Richard Piccirilli**, 5317 W. Lake Rd., **Carol Watson**, 5313 W. Lake Rd., Alexis Cavallaro, 6090 Chase Rd., Lima, NY (student observer).

**Chairman John Maxwell** opened the meeting at 7:33 and welcomed **Mary Locke and Patricia Dwyer** to the table. All board members have visited the site. 10 green cards went out and 8 were signed and returned.

**Chairman John Maxwell regarding SEQRA.** Since the proposed action has been considered under SEQRA and has met the requirements for a Type II action, the proposed action is not environmentally significant.

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.

There was general discussion of the procedures to be followed prior to a zba meeting. Board members found no markings on the property to indicate what the applicants intended to do. It appeared to members that the near pin at the northwest corner of the existing shed would require more than a 100% side yard variance which is too large to be approved by this board. The applicants had marked the location with Xs on the driveway. They didn't know to stake it.

One of the criteria for granting this variance would be "is there anywhere else on the property the shed could be located without a variance" The answer is Yes.

**Greg Foust** pointed out the other side near a lilac. There is open space behind that. A variance would not be needed there.

**Richard Piccirilli**, next door neighbor, spoke in support of the proposed location. Anywhere else will take away from the openness they all enjoy. No one objects to it being near the road.

**Greg Foust** gave an overview of sheds and side yard setbacks and the need to be 25' from the

road.

**Patricia Dwyer** said a house nearby had built a garage close to the road. Why was it legal and not this shed?

Questions were raised--was it built on the existing footprint? (No). How long ago was it built? It was perfectly legal up until the new code went into effect several years ago. This Board cannot go by what was in past code, they must apply the new code rules. Shawn was asked to check into the legality of the garage in question.

**Mary Locke** pointed that rain runoff goes under the house and covers the whole yard. The repaving of West Lake Road has caused this problem to be increased. There is no place in the yard that is not affected by the runoff.

**Carol Watson**, neighbor on the other side, wanted to go on record as in favor of this shed wherever it is determined it is to go.

The size of the shed was questioned. It is to be 6' x 10' Ken and Greg will work with the homeowners to find a location for the shed. They will meet tomorrow at 4.

Motion to table this hearing until May 30 at 7:30, Greg. Second, Ken. Carried.

Unapproved minutes were reviewed. **Ken Book** moved approval of the **Gardner** minutes of May 2, 2017. **Greg Foust** seconded. **Carried.**

The meeting ended at 8:15.

Respectfully submitted by Carolyn C. Meisel, Secretary, Geneseo Town Zoning Board of Appeals.