

Town of Geneseo Zoning Board of Appeals

Mark Brozost

Public Hearing

Property Address: 4337 West Lake Rd., Geneseo, NY 14454

Tax Map: #82.52-1-4.1

January 9, 2024 @ 7:00 PM

Members Present:

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Donald Kearney, Member

Carolyn Meisel, Member

Michael Millard, Alternate Member Absent

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary

Jared Radesi, Code Enforcement Officer

Applicant(S): Mark Brozost

Public Present: Jennifer O'Shea 4581 West Lake Rd., Geneseo, NY 14454.

Chair Maxwell called the January 9, 2024, meeting to order at 7:07 PM.

Chair Maxwell requested members review and vote on the October 24, 2023, meeting minutes. Member Meisel made a motion to accept the October 24, 2023, Zoning Board of Appeals Minutes as presented. Member DaBramo seconded. With no further discussion, motion passed with ayes from Chair Maxwell, D. Kearney, M. DaBramo, C. Meisel, and K. Book.

The Public Meeting was opened at 7:09 PM by Chair John Maxwell. All proper notices were sent via US Mail return receipt. They were also published in the Livingston County Newspaper, as follows:

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals, Town of Geneseo, will hold the following Public Hearing pursuant to Town Law. At the above date and time, an application by **Mark Brozost, 4337 West Lake Rd., Tax Map # 82.52-1-4.1** will be considered for SIDE Yard (South) and REAR YARD (Lake) area variances. The purpose of their variance application is to build a deck. The proposed project is requesting deviation from Town zoning code table 106, attachment 3, side and rear yard setback of fifteen feet in the Lakeshore Residential District. Therefore, the above Public Hearing will be held M. Brozost sent out

twenty-six (26) Certified Mail with Return Receipt Letters, with the return of Twenty (20) Green Cards, and One (1) Letter being returned to sender.

Chair Maxwell asked all the board members if they had a chance to visit 4737 West Lake Road. All had visited.

Chair Maxwell stated that the Livingston County Planning Department has reviewed this application and determined that it has no significant Countywide or inter-municipal impact regarding existing County plans, programs, and activities. Decision for the application is up to the Town Zoning Board. Given the proximity of the property to Conesus Lake, the Town should require that construction on the lot provide adequate erosion and sediment control measures.

Chair Maxwell stated that this application was determined to be a Type II action, and SEQR is not required per # 16 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chair Maxwell invited M. Brozost to the table to explain the needed variances. M. Brozost wants to enlarge the small deck, remove the north, and boat garage decks. The need for the south yard area variance is due to a window. Without the variance the railing would be in the middle of the window.

Chair Maxwell asked if anyone in the public had comment or concerns. Jennifer O'Shea lives at 4581 West Lake Rd., does not have a problem with M. Brozost deck project. She like that removal of decking will create more green space.

Member Kearney made a motion to close the public hearing at 7:45 PM. Member Meisel seconded. Motion carried with ayes from Chair Maxwell, D. Kearney, M. DaBramo, C. Meisel, and K. Book.

Chair Maxwell directed the board to go through the five questions necessary for twelve feet (12') lake side rear yard area variance and four feet (4') south side yard area variance for a new deck.

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?

Chair Maxwell – No, it will improve on lot coverage.

Member Kearney – No, update new deck, remove old deck by boat garage.

Member DaBramo – No, side yard deck will be removed.

Member Meisel – No, will be more green area as other decks are removed.

Member Book – No, grass.

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell – No, location of property

Member Kearney – No

Member DaBramo – No if no change is made to existing deck.

Member Meisel - No

Member Book - No

3. Is the requested variance substantial?

Chair Maxwell – Yes, 4' on south side and 12' on lake side.

Member Kearney - Yes, 4' on south side and 12' on lake side.

Member DaBramo – Yes, 12 feet to high water mark.

Member Meisel – Yes, 12' to 15' on lake side.

Member Book - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell – No, it does not block anybody's view.

Member Kearney – No, does not block neighbor's view.

Member DaBramo - No

Member Meisel – No, it does not block the neighbor's view.

Member Book - No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Kearney - Yes

Member DaBramo - Yes

Member Meisel - Yes

Member Book – Yes

Member Kearney made a motion to allow four feet (4') south side yard area variance and twelve feet (12') lake rear yard area variance, removing the north, and boat garage deck, and this deck cannot put on a roof or enclose the deck at 4337 West Lake Rd., Geneseo Seconded by Member Meisel. Motion carried with ayes from Chair Maxwell, D. Kearney, C. Meisel, and K. Book. Opposed M. DaBramo.

There being no new business Member Meisel made a motion to adjourn at 8:30 PM. Seconded by Member Kearney. Motion carried with ayes from Chair Maxwell, D. Kearney, M. DaBramo, C. Meisel, and K. Book.

Respectfully Submitted,

Debbie Streeter Deputy Clerk Secretary