

Town of Geneseo Zoning Board of Appeals

Coogan, Judy

Public Hearing

Property Address: 4369 Blue Heron Dr., Geneseo, NY 14454

Tax Map #82.52-1-14

February 27, 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): Judy Coogan, Homeowner

Public Present: Albert Tubero @ 4367 Blue Heron Dr., Kathy and Randy Bauer @ 4388 Blue Heron Dr., Jody Nellis @ 4374 Blue Heron Dr., Lori Updyke @ 4357 West Lake Rd., Steve Hoffman @ 4391 Blue Heron Dr., Don Gullo @ 4363 West Lake Rd., Ken Hathaway @ 4573 West Lake Rd.

Chair Maxwell called the February 27, 2024, meeting to order at 7:00 PM.

Chair Maxwell requested members review and vote on the February 13, 2024, meeting minutes. Member Book made a motion to accept the February 13, 2024, Zoning Board of Appeals Minutes as presented. Member Kearney 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 7:05 PM by Chair John Maxwell. All proper notices sent via US Mail return receipt. The notice was 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 **Judy Coogan, 4369 Blue Heron Dr., Geneseo, NY 14454, Tax Map # 82.52-1-14** will be considered for deck variance. The purpose of the variance application will be considered for REAR YARD (Lake) side area variance. The purpose of the variance application is a deck built 3 years ago without a permit and does not meet the fifteen (15) feet setback. The proposed project is requesting deviation from Town zoning code table 106, attachment 3, rear yard setback of fifteen (15) feet in the Lakeshore

Residential District. Therefore, the above Public Hearing will be held J. Coogan sent out thirty (30) Certified Mail with Return Receipt Letters, with the return of sixteen (16) Green Cards.

Chair Maxwell asked the board members if they had a chance to visit 4369 Blue Heron Drive. All had visited.

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 J. Coogan to the table to explain. J. Coogan states that her husband was told he did not need a permit, Mr. Coogan passed away in 2023.

Chair Maxwell stated J. Radesi, CEO received a formal complaint from a neighbor about the deck at 4369 Blue Heron Drive. CEO Radesi stated the deck bump out was built without a permit starting 3 years ago and does not meet code setback on the rear (lake) side yard. The complaint is the deck bump out obscures the view of the lake for the neighbors. Property is currently for sale.

Chair Maxwell read the letter submitted by Jennifer and Suraj Bhaskaran at 4365 Blue Heron Drive and the letter submitted by Al Tubero at 4367 Blue Heron Drive.

Chair Maxwell asked if anyone in the public had comment or concerns.

Randy Bauer stated that neighbors are aware of the hearing besides the sixteen (16) returned to J. Coogan. Neighbors are worried about setting a precedence by allowing this bump out deck to stay.

Al Tubero is north of the Coogan residence and the bump out deck blocks his view of the lake to the south. A. Tubero wanted to put a deck on the lake side of his residence and Ron Maxwell (CEO at the time) told him he could not. The deck would encroach on the waterfront and changes the footprint.

Member Kearney asked the public present why no one complained before now?

A. Tubero stated he had been asking Mr. Coogan what he was building and did he get a permit. Mr. Coogan stated he was told he did not need a permit. Mr. Coogan was ill, and A. Tubero did not think it was appropriate to file a complaint.

L. Updyke agrees with A. Tubero and his depiction of the bump out impeding the view of the lake.

Member Kearney made a motion to close the public hearing at 7:23 PM. Member DaBramo 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 area variance questions to tear the bump out off or grant a variance for the 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 – Yes, blocking the view.

Member Kearney – Yes, blocking views.

Member DaBramo – Yes, interferes with views, plus questionable construction quality.

Member Meisel – Yes, changes neighborhood.

Member Book – Yes.

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

Chair Maxwell – No

Member Kearney – No

Member DaBramo – No, deck is entirely in setback area.

Member Meisel - No

Member Book - No

3. Is the requested variance substantial?

Chair Maxwell – Yes, 100%.

Member Kearney - Yes

Member DaBramo – Yes, over 100% setback variance as deck hangs over break wall and water.

Member Meisel – Yes, 100%.

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 – Yes, blocking the view.

Member Kearney – Yes

Member DaBramo – Yes, not sure of drainage consideration.

Member Meisel – Yes, neighbors have spoken.

Member Book - Yes

5. Is the alleged difficulty self-created?

Chair Maxwell – Yes, deck addition was built with no permit.

Member Kearney – Yes, built a deck without a permit.

Member DaBramo - Yes

Member Meisel - Yes

Member Book – Yes

Member Dabramo made a motion for the bump out deck be taken down at 4369 Blue Heron Drive, Geneseo, NY 14454 from the existing deck. Member Kearney seconded. Motion carried with ayes from Chair Maxwell, D. Kearney, M. DaBramo, C. Meisel, and K. Book.

J. Radesi CEO will follow up with Judy Coogan with a letter to remedy.

Member Book made a motion to close the public hearing. Member DaBramo seconded. With no further discussion the hearing closed at 7:39 PM with ayes from Chair Maxwell, D. Kearney, M. DaBramo, C. Meisel, and K. Book.

Those present for the Coogan hearing departed at 7:40 PM.

PEMM, LLC. Bruckel

Tabled Public Hearing

Property Address: 4310 Lakeville Rd., Geneseo, NY 14454

Tax Map: #55.-1-6.1.

February 27, 2024 @ 7:45 PM

Applicant (S): Joshua Bruckel

Public Present: None

Chair Maxwell invited J. Bruckel to the table to discuss the proposed project. The applicant did not follow the variance procedure of notifying the neighbors within five hundred feet of the property. The Board had a discussion with the applicant and the applicant withdrew the application.

There being no other new business Member Meisel made a motion to adjourn at 8:20 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

ds enclosures

Al Tubero Letter

Jennifer and Suraj Bhaskaran Letter