

Town of Geneseo Zoning Board of Appeals

Michael Schmatz

Public Hearing

Property Address: 5370 West Lake Rd., Geneseo, Ny 14454

Tax Map #100.-1-15.1

March 12, 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

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary
Jared Radesi Code Enforcement Officer

Applicant(S): Michael Schmatz

Public Present: Karin and Jason Sorge, 5367 West Lake Rd.

Chair Maxwell called the meeting to order at 7:02 PM.

Chair Maxwell requested that members vote on the February 27, 2024, minutes were presented and discussed. Member Meisel moved to approve the minutes as presented. Member Kearney seconded. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Chair Maxwell requested that members vote on the April 25, 2023 (Downey Public Hearing), meeting minutes were presented and discussed. D. Kearney moved to approve the minutes as presented. K. Book seconded. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Opposed None

Abstained None

Motion Carried

The Public Meeting was opened at 7:07 PM by Chair John Maxwell. It is noted that all proper notices were sent via US Mail, return receipt, as well as 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 Michael Schmatz, 5370 West Lake Rd., tax map # 100.-1-15.1 will be considered for an AREA

VARIANCE. The purpose of the variance is to build an accessory building needing a ten (10) feet front yard area variance and a five (5) feet height variance when it fails to meet required front yard setback of twenty-five (25) feet and building height of twenty (20) per Town of Geneseo Zoning Code table 106 attachment 3 C15 for lakeshore residential district. Therefore, the above Public Hearing will be held. Michael Schmatz sent out thirty-two (32) Certified Mail with Return Receipt Letters, with the return of twenty-four (24) Green Cards.

Chair Maxwell asked all the board members if they had a chance to visit 5370 West Lake Rd., all had visited.

Chair Maxwell stated that this application was determined to be a Type II action, and SEQRA is not required per # 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Livingston County Planning Board comments on the application:

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.

If not done already, the NYS DOT should be consulted on the proposed application because of the proximity of the proposed to the State's right of way with regards to vehicle parking safety.

Livingston County Water and Sewer Authority comments on the application:

We had one comment regarding the easement the Authority has on the Southeast corner of the lot for our sewer main. It appears the sewer main ends and crosses the road just south of the driveway at this property. According to the drawing sent to us, the proposed garage is on the Northeast side of the property (and driveway) and would not fall in the easement. If the proposed garage's location is changed for any reason, we would ask the ZBA to consider that the structure cannot be in the easement.

New York State Department of Transportation comments on the application:

Checked our ROW (right of way) maps in this area. When the ROW was scaled off the plans, it is remarkably close to the offset of the proposed building. NYS does not allow structures to be built on the ROW. Would it be possible to have a stamped survey map showing the location of the NYS ROW confirming the structure would be placed outside of the ROW. Any work within NYS ROW requires a NYS Highway Work permit. This includes any grading work. Without a site plan showing limit of work, we cannot tell if this project will infringe/disturb NYS ROW.

Chair Maxwell invited Michael Schmatz to the table to discuss the application for an accessory building.

Michael Schmatz explained the need for ten (10) feet front yard area variance and a five (5) feet height variance is to construct an accessory building to be used as a garage, for storage, and sewing studio. The garage will not be used for cars daily and will have electricity. Having the roof pitched five (5) feet higher will allow for the snow to shed and it does not block any view for neighbors.

Member DaBramo states the road is a four (4) rod road. From the center to stakes is forty-two (42) feet. Variance needs to be sixteen (16) feet. This is a busy road; he is concerned about backing out into traffic if variance is granted.

Member Kearney asked how much land the Schmatz own and why build it by the road.

M. Schmatz house is up a steep driveway, and it is hard to get cars up to the house in the winter.

Chair Maxwell as if anyone from the public would like to speak.

Jason Sorge has a cottage at 5367 West Lake Rd., has no issue with the Schmatz building. His concern is with water draining onto his property. He stated the cottage has flooded three (3) times. He suggested moving the building back into the bank more or possibly turning the building.

M. Schmatz stated he cannot go any farther south due to utilities, and he would have to move a substantial amount of dirt to move the building back. He is concerned about the amount of the building up against the hill.

Discussion continued with questions on the location of utilities, the layout of the building, need to know where the easement is, and how the electricity would get to the building.

After much discussion Member Kearney made a motion to table the hearing for 120 days until the applicant can provide the board with a stamped survey showing the utilities location and the state easement. Member Book seconded the motion. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Opposed None

Abstained None

Motion Carried

Chair Maxwell called for a motion to close the public hearing.

Member Book made a motion to close the public hearing at 8:15 PM. Member Meisel seconded. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

There being no new business Member Meisel made a motion to adjourn at 8:20 PM. Seconded by Member Kearney. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Respectfully Submitted,

Debbie Streeter Deputy Clerk/Secretary