

Town of Geneseo Zoning Board of Appeals

David and Teresa Dare

Public Hearing

Property Address: 5321 North Point Drive

Tax Map#: 91.36-1-2

April 25, 2023 @ 7:30 PM

Members Present:

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Donald Kearney, Member

Michael Millard, Member

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary

Jared Radesi Code Enforcement Officer

Applicant(S): David and Teresa Dare

Public Present: Bob Harris, Don Jones, Jan Jones, and Steven Vitello.

7:29 PM Chair Maxwell called the board to order. It is noted that Member Carolyn Meisel is absent but there is a quorum.

The Public Meeting was opened at 7:30 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 **David and Teresa Dare, 5321 North Point Dr., Tax Map 91.36-1-2** will be considered for REAR AND SIDE YARD AREA VARIANCES. The purpose of their variance application is to replace an 8' x 10' shed with a 12' x 16' shed having less than 15' setback in this district per the Town of Geneseo Zoning Code.

Chair Maxwell asked all the board members if they had a chance to visit 5321 North Point Dr.; all had visited.

Chair Maxwell invited the Dare's to the table. Teresa Dare explained they currently that they have an 8' X 10' shed and a plastic shed they want to get rid of because it does not hold all the summer, winter, and lake toys. The new shed would allow them to store all the outdoor equipment and seasonal items. The shed would set between two 18'x 20' garages on the same rear lot line.

Chair Maxwell stated that The **County Planning Department** has reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Decision for the application is up to the Town Zoning Board.

Approved Minutes Dare and Simpson

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.

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

Mr. Harris recommends looking at the existing survey because most of the garages are at least 3' off the rear lot line.

David Dare talked about the Fisher Shed. The base under the shed would be crush and run stamped down with a 3" base.

The Dare's are requesting a 13' rear yard variance, 6' east side yard variance and 5' west side yard variance.

Chair Maxwell directed the board to continue with the five area variance questions.

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

Member Book – Yes

Member Millard – No

Member Kearney – No

Member DaBramo – No, it is in line with existing properties adjacent.

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

Chair Maxwell – Yes, put an 8' x 10' shed.

Member Book – Yes

Member Millard – Yes, can replace existing.

Member Kearney – Yes, use 8' x 10.'

Member DaBramo – Yes, move.

3. Is the requested variance substantial?

Chair Maxwell – Yes, 13' rear, 5' west, 6' east.

Member Book – Yes

Member Millard – Yes, 13' west, 6' east.

Member Kearney – Yes

Member DaBramo – Yes, 86% (13 feet) variance on rear setback.

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

Member Book – No

Member Millard – No

Member Kearney – No

Member DaBramo – No

5. Is the alleged difficulty self-created?

Chair Maxwell – Yes, they want a large shed.

Member Book – Yes

Member Millard – Yes

Approved Minutes Dare and Simpson

Member Kearney – Yes, big new shed.

Member DaBramo – Yes

D. Kearney moved to approve the requested variances of 13’ rear yard, 5’ west side yard, and 6’ east side yard with the proposed crush and run underneath the shed and removal of all other sheds. K. Book seconded. With no further discussion the motion passed with ayes from Chair Maxwell, M. Millard, M. DaBramo, K. Book and D. Kearney.

K. Book moved to close the public hearing. D. Kearney seconded. With no further discussion the motion passed with ayes from Chair Maxwell, M. Millard, M. DaBramo, K. Book and D. Kearney. The hearing closed at 7:56 PM.

Town of Geneseo Zoning Board of Appeals

Simpson’s

Public Hearing

Property Address: 5070 West Lake Rd

Tax Map#: 91.-1-11.1

April 25, 2023 @ 8:00 PM

Members Present:

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Donald Kearney, Member

Michael Millard, Member

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary

Jared Radesi Code Enforcement Officer

Applicant(S): Don and Larry Simpson

Public Present: Bob Harris, Cheryl Simpson, Bailey Simpson, and Joe Hopper.

8:10 PM Chair Maxwell called the Board to order, and the Public Meeting was opened. 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 **Don Simpson, 5070 West Lake Rd., Geneseo, NY 14454, Tax Map # 91.-1-11.1** will be considered for ROAD FRONTAGE 60’ VARIANCES. The purpose of their variance application is to construct a shared driveway having less than 150’ that is required in this district per the Town of Geneseo Zoning Code.

Chair Maxwell asked all the board members if they had a chance to visit 5070 West Lake Rd., all had visited.

Chair Maxwell invited Don and Larry Simpson to the table. Don Simpson explained that he and his brother wish to build a shared driveway in order to appear before the Planning Board for a subdivision. They want to build two houses on their 7.2 acres. They need a variance for the shared driveway before going to the Planning Board.

Chair Maxwell stated that the **County Planning Department** has included two advisory comments for consideration when making the final determination on this referral. They are as follows:

1. If not done already, the Town should require that a legally binding maintenance agreement for the driveway and that a cross access easement be created between the two parcels.
2. 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.

Please be aware that a determination of “No Significant Countywide Impact” should not be interpreted as either approval or disapproval by the County Planning Board.

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

Chair Maxwell explained that they need 450’ road frontage for the property in order to to have three houses; the property only has 317’ of road frontage.

Discussion continued with options being consider such as moving lot lines to subdividing into two lots. The Board recommended that the Simpsons look at all the options.

Chair Maxwell directed the board to continue with the five area variance questions.

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, creating a flag lot.

Member Book – Yes, flag lot.

Member Millard – Yes, it will create a flag lot.

Member Kearney – Yes, create flag lot.

Member DaBramo – Yes, flag lot not allowed.

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

Chair Maxwell – No

Member Book – No

Member Millard – No

Member Kearney – No, move the driveway.

Member DaBramo – Yes, only 2 driveways or purchase portion of adjacent property.

3. Is the requested variance substantial?

Chair Maxwell – Yes, 100%

Approved Minutes Dare and Simpson

Member Book – Yes, 100%

Member Millard – Yes

Member Kearney – Yes

Member DaBramo – 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, creating a flag lot.

Member Book – Yes

Member Millard – Yes, both physical and environmental.

Member Kearney – Yes

Member DaBramo – Yes

5. Is the alleged difficulty self-created?

Chair Maxwell – Yes

Member Book – Yes

Member Millard – Yes

Member Kearney – Yes

Member DaBramo – Yes

K. Book moved to deny the Area Variance for a shared driveway. M. Millard seconded. With no further discussion, the motion passed with ayes from Chair Maxwell, M. Millard, M. DaBramo, K. Book and D. Kearney.

K. Book moved to close the Public Hearing. D. Kearney seconded. With no further business the meeting closed at 9:15 ayes from Chair Maxwell, M. Millard, M. DaBramo, K. Book and D. Kearney.

Respectfully Submitted

Debbie Streeter Deputy Clerk