

Town of Geneseo Zoning Board of Appeals

David Downey

Public Hearing

Property Address: 4210 Reservoir Rd

Tax Map#: 81.-2-28

April 25, 2023 @ 7:30 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): David Downey

Public Present: None

7:30 PM Chair Maxwell called the board to order.

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 P. Downey 4210 Reservoir Rd., Tax Map 81.-2-28** will be considered for an AREA VARIANCES. The purpose of their variance application is the installation of a twenty (20') feet x twelve (12') feet shed when said structure fails to meet required east side yard setback of fifteen (15') feet per the Town of Geneseo Zoning Code table 106 attachment 2 B5 for low-density residential district; an approximate nine (9') feet variance is sought. Therefore, the above Public Hearing will be held.

Chair Maxwell asked all the board members if they had a chance to visit 4210 Reservoir Rd.; all had visited.

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.

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 invited Mr. Downey to the table. Mr. Downey explained he would like to install a 12' X 20' shed for storage needs. Neighbor Mark Argenta approved where Mr. Downey wants to place the shed along the tree/brush line of their properties that requires an east side yard variance.

There is discussion about the size, location, foundation under the shed, and purpose. Mr. Downey stated he is open to smaller in order not to cut into his blacktop and reduce the requested area 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 – No

Member Meisel – No, it should blend in. Next door neighbor approved.

Member Kearney – No

Member DaBramo – No, currently hedgerow between this and adjacent property, could be impactful if hedgerow /bushes are removed.

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

Chair Maxwell – Yes

Member Book – Yes

Member Meisel – Yes, smaller shed to make it 50% variance.

Member Kearney – Yes

Member DaBramo – Yes, locate shed in another position in the yard.

3. Is the requested variance substantial?

Chair Maxwell – Yes, 50%

Member Book – Yes

Member Meisel – Yes, 7'15" of 15'

Member Kearney – Yes, 7'15" of 15'

Member DaBramo – Yes, about 50% more than 15' required 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 Meisel – No

Member Kearney – No

Member DaBramo – No

5. Is the alleged difficulty self-created?

Chair Maxwell – Yes, he wants a shed.

Member Book – Yes

Member Meisel – Yes

Member Kearney – Yes

Member DaBramo – Yes

Approved Minutes_Downey_4-25-2023

D. Kearney moved to approve a seven (7) feet five (5) inches east side yard variance. C. Meisel seconded. With no further discussion the motion passed with ayes from Chair Maxwell, C. Meisel, M. DaBramo, and D. Kearney, with nay from K. Book.

C. Meisel 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 7:59 PM.

April 25, 2023, meeting minutes were presented and discussed. D. Kearney moved to approve the amended minutes as presented. M. DaBramo seconded. With no further discussion motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

C. Meisel made a motion to adjourn the meeting at 9:08 PM. Seconded by M. DaBramo, carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Respectfully Submitted,

Debbie Streeter Deputy Clerk