

**Town of Geneseo Zoning Board of Appeals
Public Hearing
Property Address: 4436 Lakeville Road/Livingston County Country Club
Tax Map #81.-1-34.1
May 14, 2024 @ 7:00 PM**

Members Present:

John Maxwell, Chair
Ken Book, Member
Mike DaBramo, Member
Donald Kearney, Member
Carolyn Meisel, Member

Other Town Representatives Present:

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

Applicant(S):

Michael Hubacher 22 Melody Lane

Public Present:

Janis Gilbert, 4505 Reservoir Rd., Thomas & Cheryl Atwood, 4541 Reservoir Rd., Barb & Greg Brown, 4465 Reservoir Rd., Shirley Doell, 4360 West Lake Rd., and Michael Schmatz, 5370 West Lake Rd.

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

Chair Maxwell requested that members vote on March 12, 2024, meeting 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.

Opposed None

Abstained None

Motion Carried

Chair Maxwell opened the public hearing at 7:07 PM. 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 Hubacher, is in negotiations with the Livingston County Country Club at 4436 Lakeville Road tax map #81.-1-34.1 to purchase a one (1) lot subdivision for a future home that will be considered for an area variance. The purpose of his application is to subdivide a 2.496-acre parcel on the south side of the property requiring a variance of eighty feet (80') on Reservoir Road. The proposed project is requesting a deviation from Town zoning code table 106, attachment 2 a minimum lot width of one hundred fifty feet (150') for a single-family dwelling in the Low-Density Residential District

Therefore, the above Public Hearing will be held. Michael Hubacher sent out twenty-seven (27) Certified Mail with Return Receipt Letters, with the return of twenty-three (23) Green Cards.

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

Chair Maxwell stated that this application was determined to be a Type II action, and SEQRA is not required per #16 and #17 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Livingston County Planning Board comments on the application:

The Livingston County Planning Department has reviewed this application and, in consultation with the Town of Geneseo County Planning Board representative, determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option. 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 invited Michael Hubacher to the table to discuss the application for the area variance.

Michael Hubacher presented his argument as to why he should be granted an area variance of eighty feet (80') to subdivide a lot from the Livingston County Country Club that does not meet the minimum lot width for a single-family home. Letters from Jose & Shannon Agosto at 4401 Lakeville Rd., Thomas & Cheryl Atwood at 4541 Reservoir Rd., Peter Scorsone at 4453 Reservoir Rd., Kerry Tallon at 4495 Reservoir Rd., and Michelle Bruckel at 4487 Reservoir Rd. all in favor of the project. This lot is consistent with other flag lots in the area.

Chair Maxwell opened the floor to the public present; Janis Gilbert, 4505 Reservoir Rd., presented how difficult it is to get out of her driveway due to the blind dip in the road in a forty-five miles per hour speed zone (45). She has concerns about visibility and speed limit and the Brown's at 4465 Reservoir Rd were turned down when they wanted to build a small home.

Tom Atwood, 4541 Reservoir Rd., is concerned about the speed limit and the hill crest. He has been in a dangerous situation twice this year due to the road cresting by the water tower.

Member DaBramo agrees with the public about this area of Reservoir Rd. being dangerous.

Member Book stated this is a flag lot and does not meet the Town code for minimum lot width of one hundred fifty feet (150').

Chair Maxwell asked the public if there were any more questions or comments. Hearing none, **Member Kearney moved to close the public hearing at 7:25 PM. Member Meisel 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

This was followed by the Board discussing and answering 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, current driveway is only 70'

Member Kearney: Yes, code 150' width only 70'

Member DaBramo: Yes, driveway safety hazard

Member Meisel: Yes, it will open the code.

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

Member Meisel: No, this lot cannot be used without a variance.

Member Book: No

- (3) Is the requested variance substantial?**

Chair Maxwell: Yes, 100%

Member Kearney: Yes

Member DaBramo: Yes, 100% variance.

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: No

Member Kearney: No

Member DaBramo: No

Member Meisel: No

Member Book: Yes

- (5) Is the alleged difficulty self-created?**

Chair Maxwell: Yes

Member Kearney: Yes

Member DaBramo: Yes, wants to put in driveway and create a flag lot.

Member Meisel: Yes

Member Book: Yes

Member Kearney made a motion to deny the request for an area variance of eighty feet (80') for the minimum lot width in the Low-Density Residential District as requested for 4436 Lakeville

Rd. 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

Record of vote to deny Michael Hubacher area variance:

Chair Maxwell	No	Nonconforming lot.
Member Kearney	No	Asking for more than a 50% variance.
Member DaBramo	No	Nonconforming lot and dangerous area.
Member Meisel	No	Nonconforming lot.
Member Book	No	Flag lot.

Those presenting for Michael Hubacher departed at 7:30

**Town of Geneseo Zoning Board of Appeals
Tabled Public Hearing Michael Schmatz
Property Address: 5370 West Lake Rd
Tax Map #100.-1-15.1
May 14, 2024**

Members Present:

John Maxwell, Chair
Ken Book, Member
Mike DaBramo, Member
Donald Kearney, Member
Carolyn Meisel, Member

Other Town Representatives Present:

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

Applicant(S):

Michael Schmatz, 5370 West Lake Rd.

Public Present:

Shirley Doell, 4360 West Lake Rd.

Chair Maxwell resumed the tabled meeting from March 12, 2024. It was on the following matter:
Appeal by Michael Schmatz for two area variances. The applicant is seeking to build an accessory that fails to meet Section 106, attachment 3, uses #15 of the Lakeshore Residential District. The minimum front setback of twenty-five feet (25') and exceeds the maximum building height of twenty feet (20'). The request is for property located at 5370 West Lake Rd., Tax Map #100.-1-15.1 in the Town of Geneseo.

It is noted the public hearing was held on March 12, 2024, and all proper notices were sent via USMail, return receipt, as well as published in the Livingston County Newspaper. Said public hearing was closed on March 12, 2024. The Board provided notice for this meeting on the determination of the Area Variance.

Michael Schmatz came forward and updated the board on the changes to the accessory building. He has shortened the building, moved the overhead door to the end for more room to maneuver vehicles. He is requesting ten feet (10') road front area variance and three feet (3') height variance.

Chair Maxwell asked the public if there were any questions or comments. Hearing none, **Member Meisel moved to close the public hearing. 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

Member Kearney made a motion to close the public hearing at 8:05 PM. Seconded by Member Meisel. 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

This was followed by the Board discussing and answering 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 Kearney: No
Member DaBramo: No
Member Meisel: No
Member Book: No

- (2) Can the benefit sought by the applicant be achieved by some feasible method other than variance?**

Chair Maxwell: Yes, make the building smaller or relocate.
Member Kearney: Yes, move back.
Member DaBramo: Yes, can build smaller structure.
Member Meisel: Could make smaller building.
Member Book: Yes

(3) Is the requested variance substantial?

Chair Maxwell: Yes

Member Kearney: Yes, 10' front setback and 3' height

Member DaBramo: Somewhat, 10' variance for 25' setback requirement.

Member Meisel: Yes,

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

Member Kearney: No

Member DaBramo: No

Member Meisel: No

Member Book: No

(5) Is the alleged difficulty self-created?

Chair Maxwell: Yes

Member Kearney: Yes

Member DaBramo: Yes, can build smaller structure.

Member Meisel: Yes

Member Book: Yes

Member Meisel made a motion to grant ten feet (10') front yard setback and three feet (3') height area variance for Michael Schmatz, 5370 West Lake Rd., Geneseo. Seconded by Member Book. 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

Those presenting for Michael Schmatz departed at 8:15 PM.

NEW BUSINESS:

Discussion about Notice of Violation/Order to Remedy for Shirley Doell, 4360 West Lake Rd.

CEO Radesi issued a violation/order to remedy on December 27, 2023 for an accessory structure that has a dangerous amount of erosion and missing earth under it. It appears that the structure may fall down the hill if people or a vehicle enters the structure. He also noted the stairs and handrail to the lake are in disrepair and need to be replaced.

Ms. Shirley Doell explained she has been waiting on a building permit to get the work done. She has a building permit application, a drawing to show the repairs to the garage and the stairs and has hired a contractor who will do the work.

Problems:

- The property is only ten feet (10') wide.
- The garage is a foot and a half to the north on the neighbor's property.
- Due to liability the neighbor needs to submit a letter allowing the contractor to be on his property. Currently he is not allowing the contractor to come on to his property.
- For a new accessory structure to be built this property tax map #82.52-1-29 this property would need a complete variance on the front yard setback and side yard setbacks.

This was an opportunity for Ms. Shirley Doell to seek advice from the board before proceeding. Formal application for a ZBZ variance hearing and demolition of the existing garage were suggested by the board.

Member Meisel made a motion to adjourn at 9:01 PM. Seconded by Member Kearney. With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, K. Book, D. Kearney, and M. DaBramo.

Respectfully Submitted,

Debbie Streeter Deputy Clerk/Secretary

ds enclosures

Letters from Jose & Shannon Agosto at 4401 Lakeville Rd.

Thomas & Cheryl Atwood at 4541 Reservoir Rd.

Peter Scorsone at 4453 Reservoir Rd.

Kerry Tallon at 4495 Reservoir Rd.

Michelle Bruckel at 4487 Reservoir Rd.
