

**Town of Geneseo Zoning Board of Appeals  
Reconvened Oyer Hearing  
Property Address: 4167 West Lake Rd  
Tax Map #83.29-1-5  
September 25, 2024 @ 7:00 PM**

**Members Present:**

John Maxwell, Chair  
Mike DaBramo, Member  
Donald Kearney, Member  
Carolyn Meisel, Member  
Michael Millard – Member

**Other Town Representatives Present:**

Jared Radesi, Code Enforcement Officer

**Excused:**

Ken Book

**Applicant(S):**

William Oyer Sr. and William Oyer Jr., owner/son 4167 West Lake Rd.

Ken Book was not present. Alternate Mike Millard is to take his place for this meeting.

Chair Maxwell reconvened the Oyer hearing from September 10 at 7:05 P.M.

Chair Maxwell requested that members approve the September 10, 2024 minutes. Corrections from Maxwell and C. Meisel were noted. A vote was taken, and minutes as amended were approved. (Find “Chair Maxwell asked all the board members if they had a chance to visit...” It is listed twice. Take one out. The other is in the Oyer section.” Chair Maxwell asked all the board members if they had a chance to visit 43104167 West Lake Rd.”

Chair Maxwell invited William Oyer and William Oyer, Jr. to the table. CEO Jared Radesi shared pictures taken from the site and reported he visited the property and personally viewed the property markers. It is 11.8” to the lake side property line and 5.6” to the south side property line. A 9’6” area variance would be needed on that side.

Everyone looked at the photos presented and noted comments from neighbors on either side. Chad Becker wrote it is ok for a porch. Bob Hoffman verbally told William Oyer it is ok. The deck of the porch would be the same height as the neighboring decks.

Discussion followed over porch verses deck alone. There are no other porches. William Oyer would like a porch since the entire structure is smaller than a garage but he would agree to a deck without a porch.

D. Kearney moved to close the public hearing at 7:30 with a second from M. DeBramo. Motion passed with ayes from Chair Maxwell, C. Meisel, D. Kearney, M. DaBramo and M. Millard.

Chair Maxwell directed the Board to the area variance questions. The first for a **Near lake setback variance of 3'4"**.

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. All properties are the same.

Member Kearney: No, similar to other homes.

Member DaBramo: Not too much-neighborhood is already compromised.

Member Meisel: No, looks like all nearby properties.

Member Millard: No-it will be in character.

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

Chair Maxwell: No. Needs the variance to continue.

Member Kearney: Yes. Not putting up a deck.

Member DaBramo: No, not for size requested.

Member Meisel: No. no more land.

Member Millard: No-it is the minimum necessary for the project.

3. Is the requested variance substantial?

Chair Maxwell: No 20%

Member Kearney: Yes

Member DaBramo: No 20%

Member Meisel: No 20%

Member Millard: No

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. Blends in with other properties.

Member Kearney: No. Similar to other homes.

Member DaBramo: No environmental impact.

Member Meisel: No

Member Millard: No-it is like the area around.

5. Is the alleged difficulty self-created?

Chair Maxwell: Yes. He wants a deck.

Member Kearney: Yes

Member DaBramo: Yes

Member Meisel: Yes

Member Millard: Yes

Chair Maxwell then directed the Board to the second area variance questions. This variance is for a **9'6" variance on the south side.**

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 All other houses are the same.

Member Kearney: No, similar to other homes on cape.

Member DaBramo: No-Neighbors are in support.

Member Meisel: No, looks like all nearby properties.

Member Millard: No-it is in character.

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

Chair Maxwell: No. if he wants a deck

Member Kearney: Yes. Not putting up a deck.

Member DaBramo: Yes, smaller width deck.

Member Meisel: No.

Member Millard: No-it would make the deck impossible.

3. Is the requested variance substantial?

Chair Maxwell: Yes over 50%

Member Kearney: Yes

Member DaBramo: Yes over 50% footage,

Member Meisel: Yes. A bit over 50%

Member Millard: Yes -but necessary.

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. Blends in with what is there.

Member Kearney: No. Similar to other homes.

Member DaBramo: No

Member Meisel: No

Member Millard: No-it blends in.

5. Is the alleged difficulty self-created?

Chair Maxwell: Yes - wants a deck.

Member Kearney: Yes

Member DaBramo: Yes

Member Meisel: Yes

Member Millard: Yes

Motion by Member DaBramo with a second by Member Kearney to grant a 3'4" lakeside setback variance and a 9'6" south side setback for construction of a 24'x 10' deck with no enclosure for property located at 4167 West Lake Road.

With no further discussion, motion passed with ayes from Chair Maxwell, C. Meisel, D. Kearney, M. DaBramo and M. Millard.

C. Meisel moved to close the hearing at 7:40. M. Millard seconded. Carried.

Discussion followed. Members questioned the bright lights at the sign at the Methodist Church. Lumen research was suggested as the stated amount was given in their variance and it seems that is being exceeded. Member Meisel to call Doug Harke to solve the problem before Jared has to act.

Member Kearney moved to close the meeting at 7:55. Member DaBramo seconded. Carried.

Submitted by,

Carolyn Meisel, Member/Secretary

cm

2 Letters

**TOWN OF GENESEO  
ZONING BOARD OF APPEALS  
PUBLIC HEARING NOTICES  
TUESDAY, SEPTEMBER 10, 2024, at 7:15 PM  
TOWN OFFICE**

Please note 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 **WILLIAM OYER 4167 West Lake Rd., Tax Map #83.29-1-5** will be considered for an 8.5' SIDE YARD (South) and a 6.5' REAR YARD (Lake) area variances. The purpose of their variance application is to build a 24'X10' porch. The proposed project is requesting deviation from Town zoning code table 106, attachment 3, side and rear yard setback of fifteen feet in the Lakeshore Residential District. Therefore, the above Public Hearing will be held.

Beginning at the above time, at the above location, the Zoning Board of Appeals will hear any person or persons in support of, or in opposition to, above said application. Those not able to attend the above public hearing may submit comments in writing a week prior to the Town Office, attention ZBA. The file is also available at the Town Office, 4630 Millennium Drive, (585-991-5000) by appointment.

By order of the Zoning Board.  
John Maxwell, Chair

To whom it may concern,

I give Bill Oyer permission  
to put his porch on. I think  
it will be a great improvement.

- Chad Becker  
(585) 748-3943  
4169 W Lake Rd

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8/34/24

Dear (Name of Neighbor):

Please be advised that I (*the sender/applicant*) have made a formal application to the Town of Geneseo Zoning Board of Appeals. I (*sender*) have applied for **USE VARIANCES** to be excused from the zoning regulations as they apply to the following described property owned (as below):

*William Oyer*  
4167 West Lake Rd., Geneseo, NY 14454  
Tax Map #83.29-1-5

*William Oyer* will be considered for a Side Yard and Rear Yard (Lake) AREA VARIANCES. The purpose of the area variance application is to build a 24'X10' porch. The proposed project is requesting deviation from the Town zoning code Tuesday, September 10, 2024, beginning at 7:00 PM. The official Public Hearing Notice that will be published is enclosed for your information.

Applicant intends to ask the Town of Geneseo ZBA to grant Variances request.

Please be informed that you may attend the Public Hearing at the Town Offices, 4630 Millennium Drive, on the above date and time. Further information is found on the attached notice as well as the Town Website and Town Bulletin Board. You may submit comments in writing or verbally ahead of time if desired, and also at the Public Hearing. The application file itself is available at the Town Office (991-5000). You may also contact Jared Radesi, the Town Code Enforcement Officer at 585-991-5008 for more information.

Sincerely,

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*William Oyer*  
3256 City Rd 70A  
Hornell NY 14843  
607-382-2127

Enclosure: Public Hearing Legal Notice

*BOB Hoffman*  
4165 W LAKE RD