

**Town of Geneseo Zoning Board of Appeals**

**Applicant: Dare**

**Side and Rear Yard Variance**

**Property Address: 5321 North Point Drive**

**Tax Map#: 91.36-1-2**

**November 8, 2022 @ 7:30pm**

**Members Present:**

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Carolyn Meisel, Excused

Donald Kearney, Member

Michael Millard, Member

**Other Town Representatives Present:**

Debbie Streeter, Clerk/ZBA Secretary

**Public Present:** Bob Harris, Joanne Harris, Don Jones, Jan Jones, Kelly Salpeter and Steven Vitello.

The Public Meeting was opened at 7:36 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 a public hearing will be held by the Town of Geneseo Zoning Board of Appeals **on November 8, 2022 @ 7:30 pm**, in the Geneseo Town Building 4630 Millennium Dr, Geneseo NY. Pursuant to Chapter 130 Zoning, Section 106, Attachment 3 the proposed 20' X 20' garage does not meet the Town Code of 15' minimum setback which may apply. On the application **David and Teresa Dare** are seeking side and rear yard variances for the property located at **5321 North Point Dr., Tax Map ID. # 91.36-1-2** in the Town of Geneseo. The Dare's sent out 28 Certified Mail with Return Receipt letters and received 21 in return.

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 the needed set back variances to build a 2-car garage across the road on there property. Neighbors have garages on east and west side of their property 18' X 24' and 18' X 20'. Farther down the road neighbors' garages are attached to homes. The Dare's property is divided by the road. Currently have an 8' X 10' shed that does not hold all the summer, winter, and lake toys. Crawl space under the house, door is in the bathroom and try to get a 11' kayak into the crawl space is difficult. The garage would allow them to hold all the outdoor equipment and cars.

Chair Maxwell stated 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 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.

## Approved Minutes Dare

Member Michael Millard asked about the sewer and water lines on the property. Teresa stated that the lines would not be a problem on the property, other garages are on top of water and sewer line with sanitation easements. Water line does go through the property. Water line is near the road not on the part we park our car.

Jared Radesi Code Enforcement Officer arrived at 7:42 pm He discussed the water line at the rear of the property.

T. Dare states they changed the garage size from 20' X 20' to 20' X 16' shed at the request of a neighbor wanting to keep 7 1/2' on the east side of the property.

T. Dare showing pictures and overhead view of what is in the neighborhood. Board Members looked at pictures. Bought house in May, previously lived on the south end, east side of the lake. Looking to be in line with all the other garages.

Member Donald Kearney states the garage would be like the other garages. Member Mike DaBramo agreed the garage is parallel with all other garages in the neighborhood.

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

Joanne Harris states the board should consider the code of 15' setback. When they bought their property, they built a house within the town code. The Zoning Board made it a precedence at the time to keep the house within the 15' setback.

Bob Harris stated that a neighbor at 5315 North Point Dr wanted to have a shed and the Zoning Board cut the shed down to 12' X 16'. Bob asked about the permeable surface vs impermeable surface. CEO Radesi said they would be close and would never be able to have blacktop. Bob stated the area has a flooding problem. North Point Dr is a private road owned by the neighborhood.

M. Dabramo agrees with Bob to make the shed smaller 16' X 12'.

D. Dare talked about the shed. Base would be crush and run stamped down and the wooden floor would be 8' center with 4x4's and plywood that he would treat so not to rot. They would be able to park a car and have storage for lawn/winter equipment and lake toys.

D. Kearney asked about the weight on the floor with a car parked on it. Structure would need to be elevated due to flooding and that would require a ramp. That would extend the size of the building in the front.

Chair maxwell read the three emails the dare's received from neighbor. Thomas Schwartz resides at 5319 North Point Dr and does not have a concern with the proposed garage. Bob and Colleen Beckwith at 5325 North Point Dr are in support of the garage. Carol Gray at 4695 West Lake Rd has no objection to the above variance to build a garage.

The Dare's are requesting a 13' variance in the rear yard and 8' variance on the east and west side yard.

Chair Maxwell directed the board to answer the 5 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

Member Book – Yes

Member Millard – Yes

Member Kearney – Yes

Member DaBramo – Yes, Neighbor complains of narrow opening to park

## Approved Minutes Dare

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

Chair Maxwell – No

Member Book – No 12' rear 7.6' east/west

Member Millard – No

Member Kearney – No 13' rear 5' 8' east/west

Member DaBramo – No Need variance for any structure

3. Is the requested variance substantial?

Chair Maxwell – Yes

Member Book – Yes

Member Millard – Yes

Member Kearney – Yes

Member DaBramo – Yes 86% on rear side 33% on east/west side

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 water issue

Member Book – Yes

Member Millard – Yes

Member Kearney – Yes

Member DaBramo – Yes maybe drainage issues adding to current situation

5. Is the alleged difficulty self-created?

Chair Maxwell – Yes

Member Book – Yes

Member Millard – Yes

Member Kearney – Yes

Member DaBramo – Yes

K. Book made a motion to deny the requested variances. M. DaBramo seconded the motion carried with ayes from Chair Maxwell, M. Millard, and D. Kearney

T. Dare asked what changes they could make to construct this shed.

CEO Radesi states they can replace the current shed in the same footprint and go higher for the storage staying within the town code of 20' in height.

K. Book opposed due to wood floor, need a pitched concrete floor

J. Harris states they put in drainage themselves to help with the water issues

Steve Vitello stated that Jim Peet is working to get the town to the table to deal with the water issue.

J. Harris we live in a flood plain.

B. Harris the DEC would be involved with the water.

M. DaBramo made a motion to close the hearing at 8:45, seconded by D. Kearney carried with all ayes from Chair Maxwell, M. Millard, and K. Book

Approved Minutes Dare

M. DaBramo made a motion to approve the minutes from the September 27, 2022, meeting, seconded by K. Book carried with all ayes from Chair Maxwell, M. Millard, and D. Kearney

M. DaBramo made a motion to close the meeting at 9:00, seconded by D. Kearney carried with all ayes from Chair Maxwell, M. Millard, and K. Book

Respectfully submitted by  
Debbie Streeter, Secretary, Geneseo Town Zoning Board of Appeals.