

**Town of Geneseo
Zoning Board of Appeals
Christopher Bondy
4667 West Lake Road
7:30 PM Tuesday, June 28 2022**

An Appeal by **Christopher Bondy** for an area variance to construct a cottage which fails to meet the required minimum property side line setbacks of 15' as per the Town of Geneseo Zoning code.

Board Members Present:, **John Maxwell, chair, Ken Book, Mike DaBramo and Carolyn Meisel, alternate and secretary.**

Board members absent: Steven Haigh

Public Present:, **Jared Radesi**, Code Enforcement Officer, **Christopher Bondy**, applicant, 4915 West Lake Rd and **Donald Kearney**, 3900 West Lake Rd.

Chair John Maxwell opened the tabled meeting at the property at 7:30 PM.

The Board is here to see final plans for how the house will look when it is done and to observe that the garage-setback and property lines are clearly marked and to see a definite plan for the garage.

Jared Radesi answered the questions he had been given: 1) **Is the property in a flood plain? YES**

Christopher Bondy responded that this property is not in a flood plain and has documentation to prove it.

Jared Radesi continued to #2 Property lines. The roadway into this property is part of Wadsworth Cove. This property is not legally connected to Wadsworth Cove. Properties within the Cove pay taxes as a body called Wadsworth Cove. Mr. Bondy does not share in that tax bill.

Christopher Bondy responded that when the roadway needs work done, he pays into that work and that the relationship has been friendly and cooperative for years and years.

Jared Radesi continued to #3 Owners of Property North of the Bondy property. Schmidle and Horn. The map the Board has showing Schmidle's cottage encroaching onto Bondy's property is wrong. Schmidle is not encroaching. No other cottages are encroaching onto Bondy.

Ken Book opened the discussion to the Garage. There is no legal access for this garage. This garage cannot be built until there is a legal easement allowing Mr. Bondy to use the driveway or he can construct his own driveway to West Lake Rd.

To build a new driveway would need DOT approval. There was disagreement over whether that verbal approval had been given or not. Written approval had not been sought at this time.

Christopher Bondy gave out handouts of the updated drawings for the garage. The second story showed two bedrooms, two baths and a sink in the family room.

Jared Radesi immediately responded with a NO NO. A garage may have one upstairs bath (1)

but no sink apart from the bathroom. Otherwise it is considered an apartment which is not permitted.

Christopher Bondy is willing to eliminate the sink and the second bathroom.

Ken Book moved to table the garage until Mr. Bondy gets an easement from Cove residents to allow him to legally use the Cove roadway AND a final design is presented to the Board showing only one bathroom and no extra sink.

Mike Dabramo seconded. Carried.

Discussion moved to the house and updated plans. The Board as a group had walked the property and observed the drainage holes from the drain easement which runs down the south side of the property. This easement pushes future construction closer to the northern boundary.

Christopher Bondy presented updated house plans. It will be stained blue/gray with stonework over the concrete. The present deck will remain and there will be a new deck directly over this deck when the second story is completed.

The second floor will be built on 8" posts adjacent to the existing first floor. Once the posts are erected, the roof will be lifted off the cottage and a new floor installed with the second story constructed on that floor. The new roof will not exceed the 35' height limit.

Because the posts add 8" to the footprint, the variance needs to include that 8 inches so a 12' side lot variance will be needed. (All properties in this area are within 3-4' of their north side lot lines, said **Jared Radesi**)

Mike Dabramo asked about the flood plain. Is it or isn't it in the flood plain. He won't grant a variance if the property is in a flood plain.

High Water Mark According to Geneseo Town Dock and Mooring: the high water mark is 818.5' as set by the NY State OGS. The DEC has set that mark to 819.4' for any of their applications. The one the Geneseo Town ZBA must use is the one in the Geneseo code--818.5' It is unknown what insurance companies accept to exempt properties from paying flood insurance.

Jared Radesi had the county report that it was in a flood plain. **Christopher Bondy** has paperwork to prove he is not in the flood plain. Paperwork was filed with the County and needs to be tracked. Bondy can produce his paperwork if needed.

Chairman John Maxwell directed the Board to go through the 5 questions necessary for an area variance of 12 feet on the north side of property and 0 feet on the south side when 15' is required in this district as per the Town of Geneseo Zoning Code.

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?

John Maxwell No

Ken Book No

Mike DaBramo No

Steve Haigh

Carolyn Meisel No

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

John Maxwell	Build on current foot plan
Ken Book	Yes
Mike DaBramo	Yes build over existing building
Steve Haigh	
Carolyn Meisel	No

3. Is the requested variance substantial?

John Maxwell	12' side lot
Ken Book	Yes
Mike DaBramo	Yes 12' is close 15' setback requirement
Steve Haigh	
Carolyn Meisel	Yes well over 50%

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

John Maxwell	No
Ken Book	No
Mike DaBramo	No
Steve Haigh	
Carolyn Meisel	No It will be an improvement

5. Is the alleged difficulty self created?

John Maxwell	Yes He wants a second story.
Ken Book	Yes
Mike DaBramo	Yes
Steve Haigh	
Carolyn Meisel	Yes

Ken Book moved to approve a 12' variance on the north side yard with the condition that the structure is out of the flood plain.

Carolyn Meisel seconded. Carried unanimously.

Mike Dabramo moved to close the meeting at 9:10. **Ken Book** seconded. Carried.

Respectfully submitted by **Carolyn C. Meisel**, Secretary, Geneseo Town Zoning Board of Appeals.