

VILLAGE OF GENESEO
BOARD OF TRUSTEES

October 3, 2011

PUBLIC HEARING – Local Law to amend the Village Code section 130-130 in the R-1 Residential District and 130-131 in the R-2 Residential District

PRESENT:

Richard B. Hatheway, Mayor
Sandra F. Brennan, Trustee
Margaret Duff, Trustee
John Fox, Jr., Deputy Mayor
Marsha Merrick, Village Clerk/Treasurer

PUBLIC PRESENT:

Howard Appell Josh Williams Rosette Ptak Bertie Vasey
Laura Vitto (Lamron) Ryan Colvin (MRB)

1. MEETING OPENED:

Mayor Hatheway opened the public hearing at 5:15PM. Notices were posted and published to advertise this public hearing to consider a local law to amend the Village Code Bulk and Use tables with respect to removing the allowance of conversion of a one-family dwelling to a two-family dwelling in the R-1 and R-2 Districts by way of a special use permit. Also included for consideration in the public notice is the removal of wording for an *attached or row dwelling* in the R-2 District. Mayor Hatheway added that the County Planning Department has given their approval of this amendment (minus the added inclusion of the attached or row dwelling) in their letter dated August 12, 2011. Also, the towns of Geneseo and York were notified of this public hearing based on the fact that the proposal involves lands that are within 500 feet of the boundary lines of both towns.

By way of explanation, prior to the zoning amendments that occurred in 2008-09, the conversion of single-family homes to two-family dwellings was not permitted in what was then R-1A. During the zoning revisions and subsequent forming of new zoning designations (R-1 and R-2) and new Bulk & Use Tables in the Code, the allowance of conversion to two-family dwellings in the new R-1 and R-2 was listed as a possibility with a *special use permit*. The thought was that with an aging population, creation of an 'in-law' apartment might be beneficial; what was not anticipated was that this use of a special use permit could possibly allow a single-family dwelling to be converted to a two-family, non-owner occupied rental property.

Deputy Mayor Fox wondered if there would be any impact on the present Article 78 proceeding filed against the Village by the owners of 18 Wadsworth Street. The Planning Board denied the owners, who no longer live at 18 Wadsworth, a special use permit to convert the dwelling from a single-family to a two-family. They then filed an Article 78. That hearing took place earlier in the day, and the answer to that question remains unknown until a decision is reached through the courts. The Article 78 proceedings and the Village's proposal to amend the Code to modify the Bulk and Use Tables are not related. Deputy Mayor Fox also wondered if the Village Board plans to pursue the possibility of granting approval for in-law apartments in the future if

approval is given for this exclusion. The response to that was that the in-law apartment possibility is a separate issue that will be addressed in the near future.

The bulk and use tables in the Code summarize what is allowed in each zone. What we are interested in, Mayor Hatheway explained, is eliminating the row dwelling, and limiting two family dwellings in Section 130-130 (R-1 Residential District) and eliminating dwelling, two-family from the table in Section 130-131 (R-2 Residential District). However, the elimination of the *dwelling, attached or row* in Section 130-131 cannot be considered at this time, according to a recently received opinion from County Planning Director Angela Ellis. There must be another referral to the County Planning Board and the same procedure followed again to make that additional change to the Code.

Trustee Brennan explained the difference between the R-1 and R-2 zoning districts, which were illustrated on the zoning map on the wall in the boardroom. One goal in the master plan was to limit the spread of rental housing in order to retain the residential character of the Village. By correcting this oversight in the Code, that goal can be supported.

Mayor Hatheway asked the residents of Wadsworth Street in attendance (Bertie Vasey and Rosette Ptak) if they had anything to add to the discussion or if they had any questions for the Board. They asked if this amendment were to be adopted, would Wadsworth Street stay the way it is right now. Mayor Hatheway explained that pending the result of the litigation occurring at this time, this proposed action would stem the flow of any additional conversions. The two residents were supportive of the Village Board's intent.

It was emphasized that, according to Village Code, one-family houses in any zoning district can be rented to four unrelated people. The purpose of this change is to limit the conversion of one-family dwellings to two-family dwellings in the current R-1 and R-2 districts.

2. MEETING CLOSE:

Hearing no further discussion, Trustee Duff moved to close the public hearing and Trustee Brennan seconded the motion. The vote was as follows: Trustee Brennan-Aye, Trustee Duff-Aye, Deputy Mayor Fox-Aye, and Mayor Hatheway-Aye. The motion passed and the hearing was closed at 6:05PM.

Marsha B. Merrick, Village Clerk