

Village of Geneseo  
Zoning Board of Appeals  
Public Hearing For  
Jonathan DiLaura  
7 Groveland Rd.  
Tax Map ID# 81.13-2-4  
August 5, 2008 @ 4:30 p.m.

Application for permission to build a garage addition which fails to meet the maximum height of 15' per Section 130-17A (1) per the Village of Geneseo Zoning Code where structures accessory to residential buildings which are not attached to a principal structure shall not be higher than fifteen (15') feet or one and on-half (1 ½) stories; a nine (9') foot height variance is requested.

Present:

Chair Carolyn Meisel  
Gail Dorr  
Marlene Hamilton  
Paul Schmied  
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Applicant:

Jonathan Di Laura

Public Present:

Warren Baum  
Shirley Baum  
Amy Carpenter  
Corrin Strong  
Sidney Symington  
Gary Honeyford  
Valerie Honeyford

Public Hearing: J. Di Laura Garage Variance Request:

Chair C. Meisel opened the Public Hearing and meeting at 4:30 p.m. It was noted proper legal notice had been duly published and the applicant had sent a copy of the legal notice to all property owners within one-hundred (100') feet of all property lines as per Village code requirement; nine (9) sent, nine (9) received. Chair C. Meisel stated the purpose of the public hearing was application for permission to build a garage addition which fails to meet the maximum height of 15' per Section 130-17A (1) per the Village of Geneseo Zoning Code where structures accessory to residential buildings which are not attached to a principal structure shall not be higher than fifteen (15') feet or one and one-half (1 ½) stories; a nine (9') foot height variance is requested. Board members were introduced and J. Di Laura was asked to state his case.

J. Di Laura referred to the submitted computer generated drawings of the garage. He is proposing an addition which is within code specifications except for exceeding the

fifteen (15') height allowance. He would like extra storage room and is not looking for living space in the attic area. A letter was received from neighbor Elizabeth Dwyer who is in favor of the project. She feels this would be an improvement over her current view of the Geneseo Central School bus garage. No other neighbors attended the meeting or offered written comment.

C. Meisel asked for the amount of variance being requested. The original drawings showed a different height from the computer generated ones. J. Di Laura noted changing the depth of the building changed the height. He originally asked for a twenty-four (24') height but now only needs to be twenty-two (22') feet high. He is requesting seven (7') feet over the code restriction; the current garage is already one (1') foot over the code restrictions at sixteen (16') feet.

M. Hamilton asked if the current garage was a one-car garage and if the new garage would remain one car. J. Di Laura responded he will reface the one-car existing portion to match the addition which will house two cars. The two bay addition will only have one large door.

P. Schmied inquired as to the reason for the addition. J. Di Laura answered that he has several cars stored at friends' residences and needs to bring them home. He mentioned a having a GTO, Olds and Firebird. P. Schmied asked if the old cars were restored and the reply was in the affirmative.

G. Dorr noted the address for the variance did not match the home address on the application. J. Di Laura explained he had recently purchased the home at 7 Groveland Road and had inadvertently put down the old address as the home address; he does reside at 7 Groveland Road.

P. Schmied visited the location and noted the garage would be an improvement on the current view of the bus garage. He queried Code Enforcement Officer R. Maxwell as to how the bus garage could be located in the R1-A Residential area. R. Maxwell commented the RPSO district on Route 20A starts just beyond that location and the bus garage is pre-existing. Chair C. Meisel noted the bus garage predates zoning. P. Schmied asked J. Di Laura if the temporary garage erected on the south side would revert to lawn if the variance were allowed. He noted the interpretation of the law is for a determination in the best interest of the land owner if reasonable and proper. Other members of the Board concurred.

Chair C. Meisel asked if there were questions or comments from the public present. With a negative response and with no further discussion, the Board reviewed 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? Yes \_\_\_\_\_ No  X
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes \_\_\_\_\_ No  X
3. Is the requested variance substantial? Yes  X  No \_\_\_\_\_  
It is an increase of 50% but will add needed storage not available in the house (no attic access in an historic home) and will block the unsightly view of the Geneseo

Central School bus garage. It will be 7' above the limit but the existing garage is already 1' over the limit.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes \_\_\_\_\_ No X
5. Is the alleged difficulty self-created? Y No \_\_\_\_\_

P. Schmied moved to grant the application as requested for the structure of a garage with storage above and be it noted said storage will not be habitable space but remain storage, with a seven (7') foot height variance when the existing roof exceeds the current fifteen (15') feet by one (1') foot. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; T. Wilson – aye; P. Schmied – aye; G. Dorr – aye; and M. Hamilton – aye. The motion carried.

J. Di Laura thanked the Board and exited the meeting. G. Dorr moved the Public Hearing be closed; P. Schmied seconded the motion. All were in favor and the motion carried. The Public Hearing closed at 5:45 P.M.

Livingston Historic Society Request for Sign discussion:

Representatives S. and W. Baum came before the Board for general information on sign variance application and guidance on what is generally acceptable. S. Baum stated the Museum would like a sign to let people know they are there and a place to post upcoming events. R. Maxwell noted the sign will be perpendicular to the road. S. Baum said the sign itself would be 36" high with a double-sided track box with changeable lettering to advertise upcoming events.

T. Wilson asked if the track box would be covered to prevent vandalism and S. Baum answered in the affirmative. C. Meisel asked if bushes or other decoration would be put in around the sign. S. Baum said not at this time, the sign would be as shown in the rendering. C. Meisel noted the Garden Club might be interested in planting around it, if asked. Would the sign be lighted? S. Baum said there were no plans to do so at this time.

G. Dorr asked if the changeable track must be white and S. Baum said yes. T. Wilson noted the sign design is similar to the one across the street at the Presbyterian Church.

P. Schmied stated he probably would not approve the sign as presented. A variance is supposed to be the minimum amount necessary and adequate and at the same time protect and preserve the character of the neighborhood. The code states the sign must be a minimum distances of five feet from the public right of way. C. Meisel and M. Hamilton would like the sign to be shorter.

C. Meisel told S. Baum a variance request would be a public hearing and as such notices would be sent to all neighbors. The Zoning Board takes into account any comments from them when making a decision. She likes the look of the sign. How much traffic will read the sign while driving by? R. Maxwell expressed the opinion anyone interested in coming events would pull over to read it. T. Wilson said walkers would read it and the black lettering on the white background for the changeable track portion is very similar to that used by the Presbyterian Church. He inquired how far the sign would be

placed from the parking area. W. Baum commented the sign would be thirty (30') to forty (40') feet from the parking area and about half way up the lot.

C. Meisel asked if the sign on the building would remain and what was on it. S. Baum stated it had the Livingston Historical Society name and the hours on it (2-5 Thursday & Sunday); she noted the Society would like to have the museum open more hours.

R. Maxwell asked what height the Board would prefer for the sign. C. Meisel would like to see the sign ground mounted to which R. Maxwell replied it must be mounted above snow level to be seen. G. Dorr suggested the Society consider having the sign out front and mounting the changeable portion on the building in lieu of the sign currently there. P. Schmied suggested the Society measure several existing signs in the area for comparison purposes. M. Hamilton asked how high the Burke sign is and R. Maxwell responded it is in a different district and he thought it was either twelve (12') or fourteen (14') feet high. P. Schmied asked how high the TAB sign is. R. Maxwell responded about seven and one-half (7 1/2') feet and Burke's is six (6') foot. Signs can be up to eighteen (18') square feet in size and not exceed fourteen (14') feet in height in that zoning district.

M. Hamilton and G. Dorr noted the sign is very large at four (4') foot wide by three (3') foot high. G. Dorr suggested the sign be made smaller and this would allow more room for the changeable portion. S. Baum stated the sign is only a little more than seven (7') feet high. T. Wilson thought the Presbyterian Church was approximately six (6') feet tall. C. Meisel suggested the group measure the church sign and bring the results to the next meeting. R. Maxwell suggested making the sign shorter and wider and staying about two (2') off the ground to stay above the snow.

S. Baum produced a different drawing of the proposed sign. G. Dorr noted this version was shorter, wider, had phone number and hours listed and still had the changeable track for announcements. T. Wilson suggested smaller size lettering be used but overall the Board was in agreement that the second version was preferable and more along the lines of what the Village likes to see.

C. Meisel suggested S. Baum go back to the Society and rethink the sign then come to the Board with a variance request. S. Baum asked if she could pay the fee by the last date for submittal for the September meeting and present the revised drawings later in the month as the Society membership would not be meeting before the submittal deadline. The Board was agreeable with this suggestion. The Baums thanked the Board for the suggestions and time and exited the meeting.

#### Genesee Volley Tennis Club, Inc.

Representative C. Strong noted the name of the club should include "Volley" not "Valley" – Secretary Lund apologized for the misprint. Code Enforcement Officer requested the Board provide an interpretation of the "Use Class 7" of the Zoning Code of the Village of Genesee. C. Strong was invited to speak. He presented the Board with color copies of the site plan for the Club and reviewed the views from each side of the courts. C. Strong stated the courts were built with the ice house to the east side. Two sides of the ice house had collapsed and he realized something needed to be done. It has been fixed up somewhat and the idea is to use it as the Tennis Clubhouse. It currently has sub-flooring and the roof has not been finished.

The estate was divided when his parents passed away and he and his sister now each own a share of the original estate. She has the barns, stables and so forth on the north side closest to the Geneseo Central School. There are approximately seventy-eight (78) acres in his portion on the south side of the original property.

The blown up portion of the site plan shows the tennis courts in relation to the other buildings on the property. While C. Strong loves tennis and especially the clay courts, he acknowledges the special problem of obtaining insurance for the Hartford House property. Companies do not want to take the risk. C. Strong believes the concept of leasing the property to an organized club would help; an incorporated not-for-profit club is more insurable. The Genesee Volley Tennis Club has a board of fifteen directors (he presented ZBA members with a list of club directors). Amy Carpenter, Geneseo resident and Gary Honeyford, Livonia resident were introduced. C. Strong would like to use club money to finish repairs to the Club House and would like people to feel they are welcome to come to the club and not feel as if they are coming to his "house". He could charge for memberships but needs to have the zoning issue resolved. After looking through the Village Zoning Code several times, he found "tennis court" mentioned only once as "open space". He spoke with the Village attorney about the possibility of having the zoning changed on his property but found it would involve changing the whole neighborhood from Residential R1-A. Obviously, this would not be feasible. C. Strong then found the Use Classes (130-13) portion of the code and noticed Use Class 7 allows golf courses which would be much bigger than the Tennis Club but would be permissible on his property. Code Officer R. Maxwell asked the Zoning Board of Appeals to interpret Use Class 7 and whether the Tennis Club is an acceptable similar use. Use Class 7 states: "agricultural and open space uses: includes the production of agricultural, nursery and forest products and other customary agricultural operations, farm water conservancy ponds, fire protection ponds, golf courses, swimming pools and landscaped areas."

C. Meisel asked how many members C. Strong anticipates the club to have. He noted tennis is losing popularity compared with past years and as he only has one court the number of people using the facility at any given time would be limited. C. Strong projected \$5000 in dues would be necessary to improve and maintain the club with that being the initial goal. It would take approximately \$30,000 to build another court. He has received a good response and shared an e-mail message with the Board from people coming to visit Conesus Lake and inquiring about playing there as well as inquiries from Castile.

M. Hamilton wondered if the courts would be lit and C. Strong replied in the negative. His dream would be to eventually build a year round dome but it is prohibitively expensive for the foreseeable future. Tennis is a social activity as well as a game, only four may play on the court at any given time and it is a game people seldom just sit and watch except for important matches such as the Wimbledon.

Gary Honeywell noted the site is gorgeous and as a former Rochester Tennis Club member, he appreciates the opportunity to play on the clay courts. One advantage of clay courts is that they dry quickly and can be used as early in the spring as April and into the fall as late as October. C. Strong noted the court has shade trees around it.

R. Maxwell told C. Strong the final interpretation of the Code is the Zoning Board's responsibility and so he is seeking their opinion. Chair C. Meisel stated if the Zoning Board interprets the tennis club as an acceptable use under Use Class 7 there is no

oversight process available. C. Strong noted the proposed zoning revision would allow the club and if he built a golf course, G. Honeyford commented the golf course would not be subject to oversight either. C. Meisel acknowledged that it would be allowed with the new code but the revision has not even had a public hearing yet. T. Wilson said Use Section 11 is the only place clubs as such are mentioned. C. Strong countered that the RPSO district allows them as well. R. Maxwell stated they are allowed in the R2 district on lower Court Street also.

C. Strong noted large estates in Geneseo are unique properties and as such have unique problems such as the aforementioned insurance issue. Property taxes are a major cost in maintaining the property and something must be done to support the estate. There is a major rezoning of the Homestead property in the proposed revision. He feels his property is similar in nature. Sid Symington commented anyone can join the club- it is open to new membership at a family rate of \$100.00 per year. It is a way to use a large estate within a community for community benefit. C. Strong noted tennis clubs have the connotation of being exclusive so he is advertising to make people aware that it is open to the public and public is encouraged to come. Lessons are being offered as well as a place to play the game.

P. Schmied asked if the current drive is the only egress/ingress to the club. C. Strong stated it was but that should not be a problem. He shares the end of his drive with the Livingston County Government Center drive and they only have one avenue for entering/exiting. P. Schmied was not comfortable with giving an interpretation without the advice of legal counsel and suggested tabling the discussion until such could be obtained.

C. Meisel noted that Patricia Sulkin, legal consultant for Bergmann Associates on the zoning revision would allow this as a special use of a large estate. As it currently is, the exception would open the option to anyone. At this point, R. Maxwell is only looking for an interpretation not a variance. Tennis is similar to the allowable golf course. P. Schmied responded that under agricultural uses there would be ponds, trees and so forth and a golf course would require a large area.

M. Hamilton and T. Wilson commented they look at the code as providing examples; similar uses could be considered. G. Dorr suggested the board review the definition of club, "an organization catering exclusively to members and their guests, on the premises and buildings, for recreational or athletic purposes, which is not conducted primarily for gain. Except as required generally for membership and purposes of such club, vending stands, merchandising or commercial activities shall be prohibited."

C. Strong noted traditionally a tennis club offers lessons. G. Dorr emphasized commercial merchandizing is prohibited but did not feel that tennis courts were a stretch if golf courses were allowed. C. Strong is concerned about time as this is the prime season for outdoor sports.

P. Schmied asked if after R. Maxwell received the Board's interpretation and if he then turned down C. Strong's application, would it come to the Board as a variance request and R. Maxwell answered in the affirmative. C. Strong stated that as a use variance it would not qualify.

M. Hamilton asked if there would be landscaping. C. Strong noted there are several shade trees around it already, he did get a permit for the ice house/club house repairs but did not need any for the tennis courts. The Longfellows are the only

neighbors who would be able to see the courts but he feels the trees screen them sufficiently. P. Schmied expressed concern that there is only one entrance/exit to the property. A. Carpenter noted the Government Center also has only one means of egress and has a lot more traffic than the club would generate. R. Maxwell stated the second lower parking level for the Government Center is primarily there for emergency vehicles. M. Hamilton said it is also an employee lot.

R. Maxwell asked the Board to please give the interpretation. C. Meisel asked the Board to consider that if the property in question could have a golf course; does a Tennis Club fit the category? T. Wilson moved that a tennis club does fit the permitted uses allowed under Section 130-13A (7): Use Class 7 section of the Zoning Code of the Village of Geneseo; M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; T. Wilson – aye; G. Dorr- aye; M. Hamilton – aye; and P. Schmied – nay. The motion carried. Code Enforcement Officer R. Maxwell was informed the Zoning Board of Appeals interprets the Zoning Code of the Village of Geneseo to allow a tennis club under Section 130-13A (7) of the Zoning Code of the Village of Geneseo.

Minutes of the July 1, 2008 Public Hearing for Temple Hill B&B were presented for review. C. Meisel moved they be approved as amended. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel – aye; T. Wilson – aye; G. Dorr – aye; M. Hamilton – aye; and P. Schmied – aye. The motion carried.

T. Wilson moved to adjourn the meeting at 6:00 p.m. C. Meisel seconded the motion. All were in favor and the meeting adjourned.

Debra Lund  
Secretary