

VILLAGE OF GENESEO
ZONING BOARD OF APPEALS PUBLIC HEARING FOR
Kruger, Jonathan & Blood, Melanie
45 South Street
Tax Map ID# 80.16-2-44
October 07, 2008; 5:20 p.m.

Application for permission to erect a garage/ one and one-half (1 ½) story carriage house when it fails to meet the fifteen (15') foot height requirement for unattached structures accessory to residential buildings per Section 130-17 A (1) per the Village of Geneseo Zoning Code; the garage to be twenty-two (22') feet in height and the tower to be twenty-five (25') feet in height; a ten (10') foot height variance is requested and the building is not to be used as habitable space.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Gail Dorr
Thomas Wilson
Paul Schmied
Village Atty. Thomas Reynolds

Code Enforcement Officer:

Ronald Maxwell
Dean O'Keefe

Secretary:

Debra Lund

Applicant:

Jonathan Kruger

Public Present:

Liz Porter
Howard Appell
Kurt Cylke
Thomas Thompson
Christine Thompson
Jonathan Kruger
Richard Taylor
J. Michael Jones
Gerald Fly

Anna Kowalchuk
Margaret Vangalio
Susan Richardson
Tony Jones
Margery Wilkie
Carolyn Pangia
Scott Kipphut
Phyllis S. Bow

Chair C. Meisel opened the public hearing at 5:20 p.m. The notice was read and it was stated proper notification had been published and six certified return receipt letters were sent and returned. The County Planning Board had been notified and responded with a comment of no significant impact. Members of the Board introduced themselves and J. Kruger was invited to state his case. He noted his reasons for choosing this style of architecture and size were much the same as A. Jones, whose hearing preceded his. He lacks adequate, dry storage in his home and felt the garage/carriage house is designed to compliment his Victorian style home and the neighborhood. He indicated several other residences on South Street had similar style garages/barns and his project would be in keeping with the area.

T. Wilson asked if the current garage would be coming down. J. Kruger replied he would be expanding it. C. Meisel asked if the shed would be taken down and J. Kruger stated he intended to keep it and to re-side and re-roof it to match the garage.

P. Schmied expressed curiosity as to the purpose of the tower. J. Kruger replied he does a lot of wood working and will be drying and storing lumber on the upper level. A substantial staircase is needed to carry the load and space needs to be allowed to get longer length boards in and out of the storage area.

J. Kruger's neighbor, Carolyn Pangia (47 South Street), was present and spoke in favor of the garage. It was noted the garage address is 26 Prospect Street and the drive is shared access with the Prospect Street owner through the deed. One bay of the garage is traded as parking space for right-of-way privileges for the driveway. T. Wilson asked if the shared garage/drive right-of-way would go with either property if sold. J. Kruger stated it is in the deed to both properties; no choice is given.

Chair C. Meisel asked if there were questions or further comment from the public or the Board; there were none. She noted the neighbors present were in favor of the project.

With no further discussion the variance questions were reviewed:

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
The upcoming zoning revision will soon make this in compliance and the building design matches local architecture.
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? Yes X No

C. Meisel asked for a motion. M. Hamilton moved J. Kruger be granted permission to erect a garage/ one and one-half (1 ½) story carriage house when it fails to meet the fifteen (15') height requirement for unattached structures accessory to residential buildings per Section 130-17 A (1) per the Village of Geneseo Zoning Code; the garage to be twenty-two (22') feet in height and the tower to be twenty-five (25') feet in height; a ten (10') foot height variance is requested and the building is not to be used as habitable space. It is noted the garage would be in compliance with the thirty-five (35') foot height requirement in the proposed Zoning Code revision. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; G. Dorr – aye; T. Wilson – aye; and P. Schmied – aye. The motion carried.

P. Schmied moved the public hearing be closed at 5:30 p.m. G. Dorr seconded the motion. All were in favor and the hearing closed.

Attorney J. Michael Jones asked to address the Board. Permission was granted. He stated his client, Scott Kipphut, wished to withdraw his variance request for 39 Second Street (Tax parcel ID #80.12-2-70) at this time. The request was granted.

Minutes of the September 02, 2008 public hearing were reviewed. M. Hamilton moved the minutes be accepted as presented. G. Dorr seconded the motion. The vote was as follows: Chair C. Meisel- aye; G. Dorr – aye; M. Hamilton – aye; T. Wilson – aye; and P. Schmied. The motion carried.

T. Wilson moved to adjourn the meeting. P. Schmied seconded the motion. All were in favor, the motion carried and the meeting adjourned at 5:40 p.m.

Debra Lund
Secretary