

Village of Geneseo
Zoning Board of Appeals
Public Hearing For
Ronald & Ellen Herzman; Rep.: Lawrence Fenity,
Fenity Associates Architects
4 Oak St.; Tax Map ID# 80.12-2-57
May 5, 2009; 4:30 p.m.

Present:

Chair C. Meisel
M. Hamilton
G. Dorr
P. Schmied
T. Wilson

Code Enforcement Officer:

D. O'Keefe

Applicant:

Ronald & Ellen Herzman
Lawrence Fenity, Fenity
Associates Architects

Public:

None

Chair C. Meisel called the public hearing to order at 4:30 p.m. She noted proper notice had been published and sent to the appropriate neighbors, ten (10) certified letters were sent and nine (9) responses received. The legal notice was read and Board members were introduced. Representative Lawrence Fenity was asked to state his case for the Herzman property.

L. Fenity noted he prefers to refer to the architectural drawings when speaking and stated the Herzmans have resided at 4 Oak Street for thirty-three and one-half (33 ½) years. They like the house and the neighborhood and would like to stay but felt the need for more room. The Herzmans had both a long and short term plan in mind and asked for a creative solution. This is a small house and the Herzmans feel the need for space for children to visit and to entertain; eventually they would like to use the addition as a master suite when climbing stairs becomes an issue. The Herzmans expressed their desire to have the architectural identity of the building maintained with the addition blending into the existing structural elements.

The lot is small and visually functions almost as a corner lot due to its location. When turning onto Oak Street from Second Street, there is quite a large lawn area and the side of the house is completely in view. Most of the other lots in the adjacent neighborhood have very deep lots, approximately two-hundred (200') feet deep. The Herzman lot appears to have been sectioned off from one of the larger corner lots at some time in the past and is a previous non-conforming lot which could not currently be used as a building lot. Chair C. Meisel noted the lot is one of the smallest in the village and Code Enforcement Officer D. O'Keefe concurred.

L. Fenity stated the lot is not deep or wide which placed constraints on the design of the addition while maintaining the character of the house as it currently exists. The Herzmans expressed a desire to keep the look of the tower in particular and the floor plan is for a small addition of approximately four hundred (400') square feet. The area will consist of a family room, first floor bathroom, laundry, closet space and a door to the

back yard. Eventually this space will become the master suite. L. Fenity noted he tied into the vocabulary of the current home with attention to all details, including wood trim, the vertical style of the home and other such architectural amenities. The final plan looks best visually without adding a second story.

The neighbors to the south and east are those most affected by the proposed addition. The addition is a violation of the current zoning code but is the least encroachment possible and still is in keeping with the style of the neighborhood and the current architectural style of the house.

Chair C. Meisel noted no public was in attendance for the hearing and three letters in favor of the project had been received from neighbors. They are as follows:

Number 1:

April 30, 2009

*Debra L. Lund, Secretary
Geneseo Zoning Board of Appeals
119 Main St.
Geneseo, NY 14454*

Re: Ronald & Ellen Herzman, 4 Oak Street, Geneseo

To Whom It May Concern,

Jan & Jennifer Rogers have no objection to the addition that Ron & Ellen Herzman have planned for their home.

*Very truly yours,
Jennifer D. Roger
Jan S. Rogers*

Cc: Ron & Ellen Herzman

Number 2:

*Soren Thomas & Kathleen Houston
29 Second Street
Geneseo, NY 14454
585.243.1554*

April 29, 2009

To Whom It May Concern:

As residents of number 29 Second Street our backyard is immediately adjacent to the Herzman's house at number 4 Oak Street. We are aware that they are planning an addition to their house that will come close to the property boundary of our two lots.

Please know that this addition to their home poses no problems to our family and we are in complete support of this project.

Our family has lived at this property for over 50 years and the Herzmans have lived in theirs for over 30. They have been great neighbors, active community members, and good friends. We are especially in favor of this addition in the understanding that it will allow them to remain in their home into their later year.

It would seem that our proximity to this proposed plan makes us the most likely to be affected. That said, we would like to express our approval and best wishes for the Herzman's addition.

*Sincerely,
Kathleen Houston, Soren Thomas
The Houston/Thomas Family*

Number 3:

*6 Oak Street
Geneseo, NY 14454
May 5, 2009*

*Debra Lund, Secretary
Zoning Board of Appeals
Village of Geneseo*

We have reviewed the drawing (sent with the legal notice and dated April 10, 2009) of the proposed addition to the 2 story residence of Ron and Ellen Herzman, who are our immediate neighbors at 4 Oak Street. We think that it will be both an excellent addition to their residence and to our neighborhood. We very much support the variance they request for their proposed addition.

Barb and Kurt Christiansen

M. Hamilton commented it is a wonderful plan taking the neighborhood into consideration. T. Wilson asked if Herzmans had spoken with the Houston/Thomas family to see if they would sell a small portion of their lot behind the Herzmans. E. Herzman noted they had indeed asked and the Houston/Thomas family was not interested. R. Herzman stated the back portion of the Houston/Thomas family lot sees quite a bit of use by the five children and their dogs as a play area. E. Herzman said the garage blocks the view of their home from the Houston/Thomas residence so the addition will not be all that noticeable.

Chair C. Meisel stated it is a nice plan for a difficult lot with an odd size. P. Schmied remarked the garage is already in violation of the existing code as it was built partially on another lot. It appears the whole parcel is in violation of current zoning regulations and clearly was chopped off one of the original lots. The lot has been this way for a very long time so he does not see a difficulty with granting this variance.

Chair C. Meisel asked if there were further comments. There were none and the Board reviewed the 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 Very nice addition
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes _____ No X Not enough land.
3. Is the requested variance substantial? Yes X No _____ but not a problem
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 _____

Chair C. Meisel asked the motion be entertained. T. Wilson moved to grant the request to erect an addition to the house which fails to meet minimum rear set back of thirty (30') feet per the Bulk and Use Table 130-131 for R2 of the Zoning Code of the Village of Geneseo; a twenty-one (21') foot variance is granted. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; G. Dorr, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

After review, P. Schmied moved to accept the minutes of the reconvened Genesee Valley Conservancy 03/17/2009 public hearing. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; G. Dorr, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

G. Dorr moved to close the public hearing and M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; G. Dorr, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried. The hearing closed at 4:55 p.m.

Debra L. Lund
Secretary