

Village of Geneseo  
Zoning Board of Appeals Hearing  
Ronald J. Aprile  
6 Wadsworth Street  
Tax Map ID #: 80.12-3-55  
January 05, 2010, 4:30 p.m.

Present:

Chair Carolyn Meisel  
Gail Dorr  
Paul Schmied  
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Applicant:

Ronald J. Aprile

Absent:

Marlene Hamilton

Public Present:

Lynn Kennison  
Timothy McMahan  
Paula McClure  
Roseann Mayo

James Kimball  
Mary McMahan  
Margaret Vangalio

Chair C. Meisel opened the public hearing at 4:35 p.m. She noted R. Aprile had requested a use variance to construct an apartment building with an office in an R-2 Residential district when apartments and offices are not allowed per the Bulk and Use Table 130-131 of the Village of Geneseo Zoning Code. Proper notice had been published and eleven certified letters were sent and receipts returned. Board members introduced themselves and R. Aprile was invited to state his case.

R. Aprile stated it would cost too much to fix the current building at 6 Wadsworth Street; he has owned it for thirty-five (35) years. He showed the Board a map and noted the location of sewer lines put in fifteen years ago. The sewer lines go across the cellar of the building and under the barn and across the Ernie Harris property. Part of the line is covered with insulation and the whole system is obsolete and incorrect by today's standards. The property needs a new roof as well. He feels it would take \$100,000 to fix the house and does not feel it is worth it. It cannot be left as is and if fixed, could be rented to only seven or eight students. R. Aprile wishes to improve the property.

C. Meisel asked if R. Aprile had tried to sell the property. He responded that he has not nor does he wish to sell it. His occupation is real estate and rental properties- that is the business he and his family are in.

C. Meisel stated the Board rarely gives use variances. She was hard pressed to think of one that had been given since she has been on the Board. Use change requires that certain questions be asked per state law. The first question is whether the applicant will be deprived of all economic use or benefit from the property if used for any of the

allowed uses in the district. R. Aprile responded that as the property currently exists, he cannot make any money. The house is not worth fixing. The apartments he is proposing would improve the property. C. Meisel responded the property is not zoned for apartments and is in a residential area.

R. Aprile knew the property was not zoned for apartments but felt he should be given the variance as almost all of Wadsworth Street is rentals with students living there and few single family homes. He felt most of Wadsworth Street should have been rezoned when the Interfaith Center was built. If R. Aprile tears down the house or leaves it vacant, the Village will lose tax money. He wants to improve the place and feels the apartments would attract students. The property backs up to the Interfaith Center.

C. Meisel asked the size of the property. R. Maxwell responded it is about sixty-eight -hundredths (.68) of an acre or about one-half to three-quarters of an acre. C. Meisel stated it was admirable that R. Aprile wants to improve the property. R. Aprile thanked her and said he does want to improve the property; it was bought as an investment and he would like to keep it as such.

C. Meisel asked that the other required questions be considered. P. Schmied noted the next question was whether the property was being affected by unique or highly uncommon circumstances, which would cause a need for a variance. R. Aprile commented that a lot of people walk back to the Interfaith Center through the property. If he built the apartments, he would be willing to put in nice sidewalks and so forth. It would probably cost him a million to do this, as it is about \$80,000 to \$100,000 per square foot. CEO R. Maxwell concurred with the estimated cost.

C. Meisel asked the third question: if granted, would the variance alter the essential character of the neighborhood? In other words, would it make the character of the neighborhood different? R. Aprile answered that Livingston County did not think so as they said the proposal would not have an impact. C. Meisel explained that the County letter is only stating that the County does not approve or disapprove of the matter but left it up to the Zoning Board to make the decision as a matter of local option.

LIVINGSTON COUNTY  
PLANNING BOARD

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RECEIVED

DEC 16 2009

Village of Geneseo

December 14, 2009

Debra Lund  
Village of Geneseo ZBA  
119 Main Street  
Geneseo, NY 14454

Re: Zoning Referral #2009-119, Village of Geneseo, Use Variance for an apartment building with an office on 6 Wadsworth Street (Applicant: Ronald Aprile)

Dear Ms. Lund:

We have received the above zoning referral in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law.

The Livingston County Planning Department has reviewed this application and determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option.

Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board.

If you have any questions, please do not hesitate to contact me at 243-7550.

Sincerely,  
Angela Ellis  
Planning Director

cc: Pat McCormick, Chairman, Livingston County Planning Board  
Robert Yull, Village of Geneseo representative, Livingston County Planning Board  
Ronald Aprile, Applicant

Chair C. Meisel opened the floor to members of the neighborhood and the public present.

P. McClure commented more than half the residents of the street are not students and if the variance were granted; the apartments would mean more students making noise at 3:00 a.m. on their way home. She is not in favor of that. L. Kennison stated sixty-one (61%) percent of the homes are owner occupied. R. Aprile said the houses become student rentals as families move out. J. Kimball countered the number of owner occupied residences versus student rentals has not changed much in the last twenty years.

T. McMahan said there is more student- housing available on campus now. He has lived on the street for thirty (30) of the thirty-five (35) years R. Aprile has owned the property. It has been an eye sore and embarrassment to the neighborhood. While the property does need taking care of, he does not feel an apartment building would be a positive change. Twenty (20) students would be added with five (5) apartments and twenty (20) more cars. He agreed with P. McClure that there is already too much noise at 3:00 a.m. from the students currently living on the street. Harris Service Station does not add a lot of traffic to the street as it is on the corner lot with Court Street.

J. Kimball stated Wadsworth Street is similar to Elm Street and Oak Street in character with early 1900s style homes. The proposed apartment building would not fit- Court Street has a "ghetto" of them already. This proposal would require taking down trees as well and he would not like to see this happen.

L. Kennison had code questions about the property should the Board grant a variance. It was noted, if the variance were granted, any questions regarding set backs, green space and so forth is the purview of the Planning Board. She stated she was concerned that mathematically the apartments would not fit on the lot size of approximately sixty-eight (68') feet by two-hundred twenty-five (225') feet. The set – backs for an R-2 Residential District are different from an R-3 Residential District; it seems that this would lead to the need for further variances. Further, she noted the presence of an old dumpsite on the property. L. Kennison had concerns regarding drainage should the variance be approved as the back portion of the lot (west side) is a steep bank and the property would need a retention pond for water run-off. She showed

the Board pictures of the house and the lot to demonstrate her points. This would affect the “green” space needed for the proposal. She is glad R. Aprile would like to improve the property but would like to see a building similar in style and size to the current building.

P. McClure said the sewage system in the area needs updating and she understands it has been scheduled to be done but no time frame has been set. In the past there have been issues with the sewer lines on the three (3) properties above her. In view of these problems, she does not feel any more people should be added to the system.

Chair C. Meisel remarked people did not seem to be unhappy with the idea of a similar structure replacing the existing house but feel an apartment building of the size proposed would be a detriment to the neighborhood. The Zoning Board must answer “yes” to all four of the state questions by law or they may not grant the variance and the Board would find it hard to do so after reviewing the questions.

R. Aprile commented the house needs a lot of work such as new wiring, sewer lines and so forth. C. Meisel stated the variance goes with the land under the house not the house as expressed in question #1: Are you, as the applicant, deprived of all economic use or benefit from the property if used for any of the allowed uses in the district? The land can be used as it currently is. The Board cannot concern itself with the house on the land. Would R. Aprile be able to sell the land? He responded his family deals in real estate for their living and he intends to keep the property and use it. C. Meisel stated the property needs to be used within the confines of the district zoning or R. Aprile must be able to show financial hardship. G. Dorr reiterated the variance goes with the land and the Board cannot take the house into account when making their decision.

C. Meisel asked if R. Aprile could show that the land could not be financially profitable used as it currently is. R. Aprile admitted it could be used with another two-family home. C. Meisel commented that it can then be used as intended within the current zoning. R. Aprile said he would have to fix up the house, which it is too expensive and it currently would not pass inspection. CEO R. Maxwell stated the house would first have to be “uncondemned” and the power restored and gas turned back on.

G. Dorr asked if something else could be built on the property. R. Aprile responded that is what he is trying to do with the proposed complex. It would improve the property. He went on the Internet for the plans, then called and talked with the designer. The complex could be split in half and he could build half and it would still look like any development. As the properties on the street come up for sale, they are being rented to students.

G. Dorr stated the proposed complex cannot be built as presented as it is too large and does not meet the zoning requirements. R. Aprile responded he understands that and that is why he came to the Board to request a variance. Times are changing and more students are moving into the neighborhood. They do not want to live in an older house but want things to be modern.

Chair C. Meisel began review of the questions:

1. Are you, as the applicant, deprived of all economic use or benefit from the property if used for any of the allowed uses in the district? Yes \_\_\_ No X

- The lot can be used for a smaller unit than that proposed; there is no economic deprivation as the lot can still have a two-family home.
2. Is the property being affected by unique or highly uncommon circumstances? Yes \_\_\_ No X  
There is nothing unique; the house was not maintained.
  3. Will the variance, if granted, alter the essential character of the neighborhood? Yes X No \_\_\_  
Sixty-one (61%) percent of the neighborhood is residential with some rooms rented; the complex if built would be R3 Residential, multi-family; it would add twenty (20) students plus parking for twenty (20) vehicles.
  4. Is the hardship self-created? Yes X No \_\_\_  
The property can be used as zoned.

P. Schmied expressed concern about the water and sewer issues should the variance be granted, the water and sewer being brought up to code should be part of the variance if granted. CEO R. Maxwell said this would have to be taken care of no matter what happens. It would be addressed through the Code Office and the Planning Board.

L. Kennison stressed her previous points that the hill by the Interfaith Center is very steep and nothing would drain to a retention pond if not redirected to one. She is also very concerned about the old dumpsite on the property. R. Aprile responded the whole property would not be commercial.

Chair C. Meisel stated the Board would like to help but must deny the request due to the answers to the questions as required by law. R. Aprile answered he would tear down the existing structure and possibly leave the land vacant.

G. Dorr moved to deny the request for permission to construct an apartment building with an office in an R-2 Residential district when apartments and offices are not allowed per Bulk and Use Table 130-131 of the Zoning Code of the Village of Geneseo on property located at 6 Wadsworth Street, Tax map ID # 80.12-3-55. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel -aye; G. Dorr- aye; T. Wilson- aye; and P. Schmied- aye. The motion carried.

C. Meisel extended the Boards good wishes to R. Aprile and suggested the neighbors would appear be in favor of a new two-family residence. CEO R. Maxwell commented new plans for a two- family residence would need a new application submitted to the Code Office.

P. Schmied moved to close the public hearing at 5:11 p.m. G. Dorr seconded the motion. The vote was as follows: Chair C. Meisel -aye; G. Dorr- aye; T. Wilson- aye; and P. Schmied- aye. The motion carried.

The December 01, 2009 Moynihan minutes were reviewed. G. Dorr moved to approve the minutes as presented. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel -aye; G. Dorr- aye; T. Wilson- aye; and P. Schmied- aye. The motion carried.

The December 01, 2009 Geneseo Byrne Dairy- Sonbyrne Sales, Inc. P. Schmied moved to approve the minutes as amended. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel -aye; G. Dorr- aye; T. Wilson- aye; and P. Schmied- aye. The motion carried.

G. Dorr moved to close the meeting at 5:15 p.m. and T. Wilson seconded the motion. All were in favor and the meeting closed.

Debra L. Lund  
Secretary

