

Village of Geneseo
Zoning Board of Appeals
Public Hearing for
Edmund Caruso
17 Center Street
Tax Map # 80.12-2-44
February 02, 2010, 4:30 p.m.

Present:

Carolyn Meisel, Chair
Gail Dorr
Marlene Hamilton
Paul Schmied
Thomas Wilson

Code Enforcement Officer

Dean O'Keefe

Applicant:

Edmund Caruso
Corry Stoner, Builder
Tim Brinduse-TAB Design

Public Present: None

The Public Hearing and meeting opened at 4:30 p.m. Chair C. Meisel stated the purpose of the hearing was application for permission to add-on to with intent to convert the original structure from a one-family to a two-family dwelling when two-family residences are allowed in the MU-1 Mixed Use district per Bulk and Use Table 130-133 of the Zoning Code of the Village of Geneseo but the dwelling fails to meet the side yard setback of ten (10') feet (the lot has a current zero (0'') inch setback and is pre-existing non-conforming), and fails to meet the minimum lot size of seven-thousand five-hundred (7,500) square feet (lot size is five-thousand one-hundred seventeen and nine-tenths (5,117.9) square feet) for a two-family dwelling, and exceeds the seventy-five (75') foot minimum lot width by thirty-one and four-thousandths (31.04') feet. Board members were introduced and it was noted proper notification had been published with eleven (11) notices sent by certified mail and seven (7) receipts returned.

Chair C. Meisel invited Edmund Caruso to state his case. E. Caruso showed the Board pictures and a diagram of the proposed changes to the house. He would like to turn it into a two-family dwelling and improve the house both physically and aesthetically. The house has a bungalow type feel to it and is approximately one hundred (100) years old. E. Caruso stated he is not a "big-time" landlord. This is the first rental house he purchased and he now owns two others. Several people have told him he "over-improved" the home he recently renovated on Chestnut Street. The improvements and the addition cost more than he paid for the place. The addition does not show from the street and he did go above and beyond what is required. Much mechanical work was done, especially the electrical system upgrade including work that was not strictly necessary per code regulations but he feels his tenants should be comfortable and safe. He would like to bring this house up to code and make it safer as well.

C. Meisel stated the drawing looked as if the addition would not make the house closer to the boundary line. E. Caruso responded that was correct. C. Meisel remarked the lot is a small one and wondered if the pre-existing house was larger than allowed. CEO D. O'Keefe said he needed to re-measure the lot as the original measurement included a

small portion that does not belong to the lot. He did not feel this would be a significant change in square footage.

TAB Design project architect T. Brinduse noted the house has a jog on the back portion of the west side. He moved things around to get the addition approximately back to the original footprint. The proposed addition includes an apartment in the back half of the house that will have two bedrooms and bath upstairs with entryway, living room and kitchen on the first floor.

The second floor addition will be over the existing back section and stepped back from the shed roofline on the west side. This was done for fire-safety and aesthetic reasons. The back will have a gable over the rear entry. As he understands zoning regulations, this is not a substantial change as it is less than half of the existing space. T. Brinduse feels this remodel will be a nice transition from the commercial area to the residential neighborhood and fits in well with surrounding properties. His goal as an architect is to make a quality product. E. Caruso felt T. Brinduse's design makes a nice transition from one zoning district to another and compliments the neighborhood.

C. Meisel asked how many bedrooms the place would have when finished. T. Brinduse responded four (4) bedrooms upstairs and bathroom facilities are anticipated at this point. Plans have not been finalized.

G. Dorr asked if the roof would be redone as well. T. Brinduse replied that it would be replaced, as it does not meet current code; the roof will be raised and turned. D. O'Keefe noted the building is older and may not meet current code; the renovation will update plumbing and electrical service to today's code making the building safer and more energy efficient. T. Wilson asked if the whole building would be resided and it was stated it would be.

P. Schmied had questions regarding the plot map supplied to the Board. T. Brinduse explained the current plan leaves more green area, the addition is further off the lot line, the long façade is broken up with the second story step-back above the shed overhang, and the building is smaller than originally proposed at twenty (20') feet wide. He tries to improve the looks of a property and is an advocate of zoning. He plans for a well thought out project to improve the appearance of the neighborhood. The revised plan fits the neighborhood better than the original. Per T. Wilson's request, T. Brinduse sketched over the plot map with the new location of the revised proposed addition. He noted there is still a setback issue but not as much as originally asked for in the variance application.

P. Schmied asked if the addition needed steel shutters for the windows for fire protection. T. Brinduse replied the right-of-way is quite wide and the lot backs to a parking lot. There is nothing to catch fire but he would check on the fire code ruling. P. Schmied wondered if a house could be built on the right-of-way at some point in the future. E. Caruso commented R. McDonald has a parking lot and the right-of-way is the access to it. He does not believe it ever will be built on but anything is possible.

D. O'Keefe noted S. Kipphut owns the yellow rental house to the west of the right-of-way, J. Fox owns the property to the east and it is a business office and R. McDonald owns the right-of-way and parking lot out behind. The drive is about twenty-five (25') feet wide and could not be built on as it leads to a land locked parking lot.

T. Brinduse said three (3') feet is the magic number for the State Fire Code, one can build right up to the property line but it is harder to do and meet code. His design

makes a nice improvement to the neighborhood and the increase in taxes will help everyone.

C. Meisel noted the Board had received two letters in support of the project.

*Village Of Geneseo
Zoning Board of Appeals*

January 19, 2010

Members of Z.B.A. Mr. Caruso's plans to convert a single family into a two-family at 17 Center St. have been explained. Expanding his property will have no negative effects on my property. Mr. Caruso's property borders my driveway and is at least 100 feet away from any structure on my property. The project sits favorable with me and I support it. I feel that his request for a variance is reasonable and prudent. I support his endeavor to improve his property.

*Sincerely,
Robert McDonald*

*Village of Geneseo
Zoning Board of Appeals*

January 12, 2010

Dear members of the Zoning Board of Appeals. Being the closest neighbor to Mr. Caruso's property, my property is juxtaposed with 17 Center St. Edmund has brought to my attention his plans to add onto and convert the structure there. It is currently designated as a single-family home. Edmund would like it to be allocated as a two-family home. I have spoken to him regarding his plans for enormous improvements to the property. Upgrading and dramatically improving the aesthetics of the overall structure with particular improvements to the curb appeal will have a positive impact. I have examined the architect's plans. I am pleased that Edmunds plans to ameliorate the condition of the property and raise the state of the neighborhood. I am obliged to support Edmund's project.

*Respectfully,
John Fox*

Discussion continued with T. Wilson noting the map showed a shared drive. C. Meisel asked E. Caruso if a pending drive agreement was in place and he responded it was. T. Wilson commented the property driveway was fairly full with four (4) cars. E. Caruso said he has the option of renting spaces in R. McDonald's parking lot. How was E. Caruso planning on handling the situation if R. McDonald decides not to rent space in a few years? More spaces could be created in the backyard area or he has room at his Second Street property and at his Main Street business to park a few cars if necessary. C. Meisel remarked the Village Municipal Lot is also close by and an option. T. Wilson

asked CEO D. O'Keefe how many parking spaces are required per Village Code and he responded two per unit. E. Caruso said landlords should consider more than two spaces per unit in today's world. T. Wilson noted the whole yard could be black topped per the current code but it would not be ideal, as very little green space would be left.

P. Schmied stated his concern for fire safety and the issue of the closeness of the building to the property line. He wondered what would happen, if in the future, someone were to build on the current drive right -of -way. G. Dorr said any building on that lot would be unlikely as it is not a legal lot size. M. Hamilton commented the setback would have to be met if one did want to build on the right- of- way. T. Brinduse said they were very concerned with fire safety and are building to meet the fire code. If necessary, shutters could be added to the upstairs window on the west side of the house. P. Schmied replied he wanted the minutes to reflect discussion of this issue but does not necessarily want to see shutters on the house.

C. Meisel stated the Board cannot place restrictions on someone who is not a party to this public hearing. T. Brinduse explained the current situation is a pre-existing non-conforming house; the right-of-way on neighboring property would not be pre-existing if the owner were to want to use the property differently and therefore would need to meet all current standards. One must differentiate between new and old non-conforming.

With no further discussion, C. Meisel asked the Board to consider the three requests on the property: side yard setback, minimum lot size and lot width. D. O'Keefe pointed out the setback was already pre-existing non-conforming and the lot meets width and size as a single-family dwelling but not for two-family. P. Schmied asked if granted, how does this affect a two-family dwelling. D. O'Keefe replied everything proposed meets the Rental Housing Code. G. Dorr stated then all three variances must be granted if any are.

The 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 granting the variance? Yes ___ No X. The property will be improved and look better.
 2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes___ No X. No more land is available.
 3. Is the requested variance substantial? Yes ___ No X. Less than fifty (50%) percent is needed and the lot is pre-existing non-conforming.
 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. It will improve the appearance of the neighborhood.
 5. Is the alleged difficulty self-created? Yes X No ___.
- The Board is hopeful that other landlords will be encouraged to improve their property.

G. Dorr moved to approve the request for variance to add-on to with the intent to convert the original structure from a one-family to a two-family dwelling when two-family residences are allowed in the MU-1 Mixed Use district per Bulk and Use Table 130-133 of the Village of Geneseo but the dwelling fails to meet the side yard

setback of ten (10') feet (the lot has a current zero [0''] inch setback and is pre-existing non-conforming), and fails to meet the minimum lot size of seven-thousand five-hundred (7,500) square feet (lot size is five-thousand one-hundred seventeen and nine-tenths (5,117.9) square feet) for a two-family dwelling, and exceeds the seventy-five (75') foot minimum lot width by thirty-one and four-thousandths (31.04') feet on property located at 17 Center Street. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; G. Dorr – aye; M. Hamilton – aye; T. Wilson – aye; and P. Schmied – aye. The motion passed.

CEO D. O'Keefe asked the time frame for the proposed work. C. Stoner, the builder, remarked he hoped to have the work completed by fall. E. Caruso thanked the Board and exited the meeting with T. Brinduse and C. Stoner.

P. Schmied moved to close the hearing at 5:27 p.m. 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 – aye. The motion passed.

The January 05, 2010 - R. Aprile minutes were reviewed. P. Schmied moved to approve the minutes and T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel – aye; G. Dorr – aye; T. Wilson – aye; and P. Schmied – aye. M. Hamilton was absent for the hearing and therefore abstained. The motion carried.

G. Dorr announced she was regretfully resigning from the Zoning Board of Appeals. It was noted she has been a long time member and will be sadly missed.

P. Schmied moved to adjourn the meeting; T. Wilson seconded the motion. All were in favor and the meeting adjourned at 5:35 p.m.

Debra L. Lund
Secretary