

**Members Present:**

Matthew W. Griffo, Chair  
Susan Richardson  
David Woods  
Claren Kruppner

**Other Village Representatives Present:**

Code Enforcement Officer Dean O'Keefe  
Attorney J. Thomas Reynolds

**Applicant(s) Present:**

John Wallin – Nothnagle Realty - Buyer's Agent & Property Manager for William Curry  
John Linfoot – Nothnagle Realty – Listing Agent for Paul & Jennifer Dotterweich  
Paul & Jennifer Dotterweich – 18 Wadsworth Street

**Public Present:**

Rosette Ptak – 13 Wadsworth Street  
Jim & Lisa Kimball – 10 Wadsworth Street  
Pattie Cavanaugh – 16 Main Street  
Michael Loverdi – 21 Groveland Road  
Marita Loverdi – 21 Groveland Road  
Darcy Dewar-Lynch – Nothnagle  
Margaret Vangalio – 9 Westview Crescent  
Carey & Bertie Vasey – 11 Wadsworth Street  
Tim McMahon – 25 Wadsworth Street  
Peter Bondi – 6 Ward Place  
Howard Appell – Livingston County News  
Ellen Kintz – 12 Wadsworth Street  
Kathy Vattimo – 61 Second Street  
Donald Livingston – Rental Property Owner  
Paula McClure – 19 Wadsworth Street

**Reconvened Public Hearing from October 27, 2010 to review the Special Use Permit request from potential purchaser William Curry for sellers Paul & Jennifer Dotterweich to turn a single-family residence into a two-family residence at 18 Wadsworth Street, Tax Map #: 80.12-3-61, pursuant to Section 130-12, Section 130-20 D, Section 130-32 C and Bulk and Use Table 130-131 of the Village Zoning Code.**

Chair Griffo reconvened the public hearing at 4:38pm. Chair Griffo stated that the Planning Board had received a few letters regarding the special use permit request. He also pointed out that the letter received by the Mayor and read into the record at last weeks meeting was a personal letter from him and it should have not appeared on Village letterhead. Chair Griffo explained that if anyone read the Livingston County News this week or was at the Village Board meeting on Monday night, the Village Board was not aware of the letter. He continued by stating that he does not want any undue influence from other Village Boards and then opened the floor to any comments, questions or concerns.

Ellen Kintz, 12 Wadsworth Street stated that a report from SUNY on Greek Housing and Student Housing in the Village of Geneseo reports, "The residents of the community frequently complain to Village and to the college about the noise, parties, destruction of property, fights and excessive drinking by the Greek organizations and students in off campus housing." She stated that she would like to speak against the variance of the conversion of this single family home to a two

family home. Chair Griffo stated that the request was for a Special Use Permit, not a variance. She continued by stating that she has complained several times to the Village about some of the poorly maintained rental houses on Wadsworth Street, and she does not feel as though the Village Noise Ordinance or Rental Housing Ordinance is adhered to. She stated that Wadsworth Street and other streets such as Second Street do not need to become entirely rentals. Following the deliberations of the Village Zoning Board of Appeals on January 5, 2010 and applying them to 18 Wadsworth Street she stated:

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?  
No, the lot can be used for a family home.
2. Is the property being affected by unique or highly uncommon circumstances?  
No, there is nothing unique to cause the variance the single-family house is in excellent condition.
3. Will the variance, if granted, alter the essential character of the neighborhood?  
Yes, 61% of the neighborhood is residential with some rooms rented; it would become two-family and add 8-16 students plus parking for 8-16 vehicles.
4. Is there hardship for the property owner?  
No, the property can be used as zoned.

Lastly, she stated that she hopes that the Board takes her comments and concerns under consideration.

Lisa Kimball, 10 Wadsworth Street stated that there are nine student rentals on Wadsworth Street and fifteen resident homes.

Paul Dotterweich, stated that there are a total of twenty-four properties on Wadsworth Street, twelve of which have students, which is equal to 42% of the street being exclusively student occupied and 50% of the houses having some type of rental within them.

Paula McClure, 19 Wadsworth Street stated that they have a rental apartment above their garage.

John Wallin asked that any letters that have been received be read into the record. Chair Griffo stated that four letters have been received, one of which is signed "A Concerned Resident of Wadsworth St." Secretary Mack stated that the letter was received while she was on lunch, but the Village's front desk Clerk Debra Lund believes she knows who dropped it off. Mr. McMahan stated that he had delivered it. Chair Griffo stated that without objection from the Planning Board that he did not want the letter read into the record because the letter is not signed. D. Woods stated that if someone was here that wanted to speak but did not state their name, the Planning Board would allow that person to speak so wondered what the difference between that and the unsigned letter was. Chair Griffo stated that he feels as though it is similar to an editorial submitted to a paper. If the letter is not signed, it does not get published. At this time, Mr. Mr. Dotterweich submitted a letter from his Attorney Robert "Chip" Presutti.

At this time, S. Richardson read the letter dated November 3, 2010 from Attorney Presutti into the record.

*Dear Mr. Griffo:*

*I have been contacted by my clients, Paul & Jennifer Dotterweich, regarding the prospective sale of their premises as referenced above (18 Wadsworth Street, Geneseo, NY). I have been informed that the Board is soliciting information in writing pertaining to their application for a Special Use Permit, allowing the premises to be converted from a single family home. In summary, I submit as follows:*

1. *The proposed used of the building is in harmony with the general purpose goals and objectives of the standards of the Village's long term planning goals and code. It should be noted that the 1967 proposed code indicated that Wadsworth Street would be considered for student housing. Likewise, more recent code amendments*

*regarding the restriction of uses on premises east of Main Street, by logical conclusion indicates, that those premises and structures west of Main Street would be utilized for the house type of use proposed.*

- 2. The adjacent properties will not be adversely affected. The nature of Wadsworth Street currently is that it consists of 24 residential structures. Of those structures, only 12 are strictly single family homes. Other property owners occupy their homes but share those premises with non related family members, creating de facto multi family structures.*
- 3. There is no proposed construction, modification or alteration of the existing premises or the immediate vicinity which would interfere with any other family member, or in any way, cause there to be any obvious diminution in value of the property or any neighboring properties.*
- 4. All public services currently existing are the same as will be utilized by the perspective owner.*
- 5. The structure itself complies with standards imposed for a perspective change of use.*
- 6. Issues of screening and landscaping do not appear to be applicable to the requested change.*
- 7. Although the sellers have had the opportunity to show the premises to other property owners, the interest has been in the use of the premises for other than an exclusive single family residence, given the nature of most of the neighboring structures and the location of the property.*
- 8. The proposed use conforms with what are perceived to be, the long term planning goals and guidelines of the property and is consistent with the guidelines for the location of the premises.*
- 9. It is disingenuous to have an area which is predominately multi-family use and place an ownerous burden on these property holders who are unable to sell it as a single family property.*

*I ask that the requested relief and permit be granted.*

*Respectively submitted,  
Robert A. Presutti*

At this time, Chair Griffo read the letter dated November 2, 2010 from Paul & Jennifer Dotterweich into the record.

*Geneseo Village Planning Board,*

*I am writing to ask that you consider the following in regard to the request for a special use permit to turn 18 Wadsworth St into a two-family home from a one family.*

*We have put in a purchase offer for the property at 61 Second St which has been accepted. The purchase is contingent on the sale of our home at 18 Wadsworth St. The sale of our home at 18 Wadsworth St. is contingent on the approval of the special use permit for that property. If the request is denied we will not be in a position financially to purchase the home located at 61 Second St.*

*The property at 61 Second St. is currently on the tax record as a two family. Upon consulting the Code Enforcement Office, we have found that this property currently has a permit to rent to four students and if it meets the code requirements the owner could apply for a renters permit to put four additional students in the house without a special use permit.*

*As you can see, as it is currently zoned, the property at 61 Second St. could be used by the current owner or a perspective buyer as a student rental. Currently 61 Second St is by large majority family occupied. In contrast fifty percent of the properties on Wadsworth St. have students living in them. It is our intention, with the approval of the special use permit at 18 Wadsworth St., to ensure that 61 Second St. remain a family occupied property.*

*Thank you for your time and consideration in this matter.*

*Paul and Jennifer Dotterweich*

At this time, C. Kruppner read the letter dated November 2, 2010 from Kristin Smith into the record.

*Dear Mr. Griffo and Board Members,*

*I am writing this letter in response to an application for a variance in zoning at Eighteen Wadsworth St. Geneseo, NY. This home is currently a one family residence. It is my understanding that the owners are seeking a variance in order that the property be converted into two living spaces which would then accommodate eight students. My information comes from neighbors rather than a letter of notification, so please forgive any slight inaccuracies in my information.*

*As a longstanding property owner on Wadsworth Street, I am vehemently opposed to such a variance being granted. Wadsworth St is a lovely tree-lined, residential neighborhood filled with families including many young children. Throughout the years in which I have resided here, a tight-knit group of neighbors have always advocated to maintain a sense of community and caring on the street. Along those lines, I would be terribly remiss to **not** object to what will amount to more student housing in our village where it is not needed. Such a property would not only erode the value of surrounding residences, but create a different atmosphere; one not always conducive to raising young children. Increases in litter, late night noise, parking, and loud music are all to common accompaniments to student housing.*

*Thank you for allowing me to voice my opinion that another college rental is not needed or wanted on our street. I feel that this application should be rejected as it is in total opposition to the desires of those living on our street. Thank you for your consideration in this manner.*

*Sincerely,  
Kristin D. Smith  
29 Wadsworth St.  
Geneseo, NY 14454*

At this time, Chair Griffo read the email letter dated November 1, 2010 from Glen McClure into the record.

*Dear Matt Griffo,*

*I am writing in response to the proposal from Mr. Curry to transform one of our family homes into a student rental. Though I live at 19 Wadsworth St, across from the house in question, I am writing you from Ghana, West Africa. I am directing a study abroad program for 12 SUNY Geneseo students. I tell you this because it illustrates my high level of interest in this issue.*

*From my partial knowledge of the zoning process, homes can be designated single or double family homes, but there is no separate categories for "student rental" or "owner occupied student rental." If these categories exist, please forgive my lack of knowledge. Even if they do exist, Mr. Curry's proposal to zone this home as "two family" is not at all representative to the real situation.*

*If we were going to welcome two more families to Wadsworth, I would be very excited. The possibility of more children on the street, parents, or grand parents would greatly enrich the life on our street. I have always believed that the careful balance between the student population and the locals is what makes our town so special. The students have a chance to live among families and see what it takes to raise children and be contributors to the life of our town. Similarly, the townies are reminded of new possibilities in the vitality of the young people who come to our town, not to mention that many of our local businesses would not survive without the economic input from 5000 students each year. Also, without the college students, large companies like Wegmans would not be as interested in opening their doors here. On top of all this, my two children have grown up in a town where they always see someone involved in education, whether they are teachers or students. That makes for a great place to raise kids. I share this because my argument is not an "anti-student" argument...it is a "pro-Geneseo" argument.*

*Wadsworth St. has been losing families to student housing for some time now. The healthy balance has already started to tip. If Mr. Curry was planning on moving into our neighborhood and renting to college students, that would preserve the balance. In my home, we have been greatly enriched by our student renters. They are students from all over the world and they share meals with us, and we have remained in contact even after graduation.*

*Turning that home into student housing would continue to widdle away at the family culture of our street. I am not in favor of this zoning change.*

*So please add my comments to the record. I look forward to hearing the results of the planning board debate from wife Paula and from Tim and Mary McMahan.*

*From West Africa,  
Glenn McClure*

Ms. Kintz questioned the letter from Attorney Presutti in regards to his point #2 that states: *The adjacent properties will not be adversely affected. The nature of Wadsworth Street currently is that it consists of 24 residential structures. Of those structures, only 12 are strictly single family homes. Other property owners occupy their homes but share those premises with non related family members, creating de facto multi family structures.* Ms. Kintz said that her house is a single family home even though she does rent to boarders. She continued by stating that a majority of the houses on Wadsworth Street are zoned single family and that she lives next door to a rental house that is owned by a non-resident of Geneseo. The paint on the house is peeling; the basement entrance is disintegrating along with the chimney. She stated that she has complained to the Village and no one seems to hold the property owner accountable.

Discussion followed on how many of the properties on Wadsworth Street are classified on the tax roll. It was noted that 10 Wadsworth Street is classified as a single family home and 12 Wadsworth Street is classified as a single family home. Mr. Linfoot stated that when the count was taken of houses with students on Wadsworth Street, Ms. Kintz's house was not included so the count would go from 12 to 13. Mrs. Kimball wondered how Mr. Linfoot could say that. Mr. Linfoot stated that out of the 24 houses on Wadsworth Street, at least 13 of them are known to have some type of student rental. Ms. Kintz asked for clarification on this, as her house is zoned single family. CEO Dean O'Keefe stated that Ms. Kintz house could be rented to at least four students per the rental housing law.

Mr. Dotterweich asked for the classification on 20 Wadsworth, 22 Wadsworth Street, 26 Wadsworth Street and 31 Wadsworth Street. CEO O'Keefe stated that 20 Wadsworth Street is classified as Sorority/Fraternity/Boarding House, 22 Wadsworth Street is listed as an apartment building, 26 Wadsworth Street is listed as a Sorority/Fraternity/Boarding House and 31 Wadsworth Street is listed as a two family. Mr. Dotterweich stated that the point he was trying to make regarding the classification of these houses is that there is a big difference between the eastern and western side of Wadsworth, noting that more than half of the houses on Wadsworth Street have some sort of student living in it. Mr. Dotterweich stated that from 14 Wadsworth Street up, there are only two houses on the west side of the street that are family homes and this is the reason he is not able to sell his home, but if his house was located where the McClure house or Ptak house is, he would be able to sell it. He continued by stating that they did have some families interested in purchasing the house until they found out where it was located on the street. Mr. Dotterweich continued by stating that they are either going to have to give the house away or never move and if they are able to sell it, they are then ensuring that 61 Second Street is not turning into a student rental. Mr. Dotterweich stated that if he had lived in Geneseo and truly understood what it would be like to live on Wadsworth Street, he would not have purchased 18 Wadsworth Street. He continued by stating that he will have a hard time looking a family in the eye if one is interested in purchasing the house. He also stated in the 4 years he and his family have lived on Wadsworth Street, they only really know the McMahons and McClures.

John Wallin, Nothnagle Realty (Seller or Buyer's Agent) and Property Manager for William Curry stated that the Curry family are good landlords, which the zoning department can confirm. In the last few years, they have purchased three rental properties in the Village, which they have dramatically improved and plan to continue to improve. They have owned South Hill apartments for several years and they are not absentee landlords.

Chair Griffio stated that this meeting was not to debate rental housing and asked if there are any new fresh ideas or any new arguments. Paula McClure mentioned that the Belfiores were not able to attend tonight's meeting due to illness but their feelings have not changed since the meeting they attended last week. She stated that she has never called the police for any types of student related issues on Wadsworth Street, but wondered what the action by the Police would be if she did. Chair Griffio explained that the Village now has a Nuisance Abatement law and the Police Department does make quality of life arrests. Chair Griffio continued by stating that the Police Department is very proactive and he endorses what they do.

Jim Kimball stated that he is concerned with parking. Parking can be an issue on the street as well in a student rentals driveway and there can be temptations to pave the backyard, which is a huge concern to him.

Mr. McMahon stated that he does not think anyone would argue if students were living in the house, but the issue he and his wife have is that 8 more students on the street is an incremental change and if this house is converted, it will have a domino affect on other houses. Mr. McMahon continued by stating that he would like to see Wadsworth Street preserved and known as a residential neighborhood with some student housing and not the other way around.

Kathy Vattimo stated that she owns 61 Second Street and wants to sell the house to a family and does not want to put students in it. The house has been on the market for over a year. She has

heard tonight that there are concerns regarding upkeep, noise and garbage. She pointed out that they never have parking on available on Second Street, there is garbage all over, the noise from Chestnut Street is crazy, so it is just not on Wadsworth Street but in the whole community and to segregate Wadsworth Street from other streets in the Village is crazy. She hopes that the Planning Board will grant Mr. Dotterweich the special use permit that has been requested so she is able to sell her house as she has relocated to her family home on Oak Street.

Don Livingston stated that he owns three rental properties in the Village, and a lot of the comments he has heard are very valid ones regarding noise, garbage and parking. And when it comes down to it, no matter where you are and if it is your neighborhood the question comes down to whether or not that house can meet the criteria for student housing. Mr. Livingston commented on whether or not they want student rental sprawl or want to try to contain it down to the lower end of the Village. Mr. McMahon stated that he takes offense to this statement. Mr. Livingston stated that perhaps it was poor wording.

Jennifer Dotterweich stated that she would have loved to sell the house as a single family home and they do love the home, but just want a different one. She stated that she believes Attorney Presutti's letter addresses all the criteria for a special use permit. She also commented that they did not go look for someone to purchase the house just to rent it.

Mrs. McClure stated that she does not know how many student rentals there are in the Village, but believes that there are enough of them. Chair Griffo reminded Mrs. McClure and all present that they are not here tonight to debate student housing, but whether or not to issue 18 Wadsworth Street a special use permit to be converted to a two-family.

Chair Griffo asked D. Woods to reiterate the section of the Code pertaining to special use permits. D. Woods stated that Section 130-20 D. of the Village Code states

- (1) The Planning Board will hear and decide upon application for such permits as specified in this chapter. A permit for any special use shall be granted only if evidence is presented which establishes that:
  - (a) The proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Village's long-term planning goals and this chapter.
  - (b) The proposed building, hours of operation, use, or intensity of operation involved will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.
  - (c) The proposed building or use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with or devalue the development and use of neighboring property in accordance with the applicable district regulations.
  - (h) [1] General conformance with the Village of Geneseo Comprehensive Plan and its long-term planning goals and guidelines for development associated with them.
    - [2] Consistency with development standards and guidelines of the zoning district in which it is located.
    - [3] Criteria for the review of site plans enumerated in Article XIV of this chapter.

Mr. Dotterweich stated that he believes Attorney Presutti has addressed all of these and in essence this will be trading a rental house on Wadsworth Street to one on Second Street.

Mr. Dotterweich also stated that he would be more than happy to put 61 Second Street back on the tax roll as a single-family home. Chair Griffo reminded everyone present that the Board is only reviewing a special use permit request for 18 Wadsworth Street, which does not have anything to do with 61 Second Street.

It was noted that perhaps the house would not be used for 8 students if it became a two family. Mr. McMahon pointed out that a portion of the purchase offer as on file with the Village, specifically states it will be used for 8 students. Mr. Kimball stated that he has concerns regarding this because legally they are allowed per Village Code to have as few as 2 parking spaces, which is not realistic for 8 students. Ms. Kintz pointed out that the backyard at 14 Wadsworth Street is a paved one.

Chair Griffo asked if there were any other comments. There were none, therefore, D. Woods moved to close the public hearing at 5:30pm with second from S. Richardson. The motion passed with ayes from all.

Chair Griffo looked for a motion to approve or deny the special use permit request.

D. Woods moved the following with second from C. Kruppner:

Whereas, a two-family dwelling is a use permitted by a special use permit in the R-2 Residential District in the Village of Geneseo; and

Whereas, an application has been submitted to the Village of Geneseo Planning Board for a special use permit for a two-family dwelling at 18 Wadsworth Street; and

Whereas, Section 130-20 D. (1) of the Village Code specifies the conditions which must be met in order for the Village Planning Board to grant a permit for a special use; and

Whereas, the Planning Board finds that approval of a special use permit for a two-family dwelling at 18 Wadsworth Street will not meet the standards established in Section 130-20 D. (1) (a), (b), (c) and (h) of the Village Code; and

Whereas, the Planning Board finds that approval of a special use permit for a two-family dwelling at 18 Wadsworth Street would not be in conformance with the Village of Geneseo Comprehensive Master Plan, Objective B 2-1 of which states that the Village should, "limit adverse impacts and spread of rental housing."

Now therefore be it resolved, that the Village of Geneseo Planning Board hereby disapproves the application for a special use permit for a two-family dwelling at 18 Wadsworth Street.

Chair Griffo asked if D. Woods had prepared this resolution tonight. D. Woods stated that yes he did as the discussion was taking place.

With no further discussion, the motion passed with ayes from all and the request was denied.

### **Other Planning Board Business:**

#### **ABVI Goodwill Pylon Sign Panel Sign**

CEO O'Keefe presented the Board with a sign request from ABVI Goodwill to place a panel in the existing pylon sign for Livingston Plaza located near the Route 20A plaza entrance. CEO O'Keefe stated that ABVI Goodwill has requested a variance for this sign because they are over their allowed sign square footage per Village Code.

After a brief discussion regarding the proposed panel sign, D. Woods moved to amend the ABVI Goodwill SEQR Negative Declaration granted on March 24, 2010 to include this sign panel. C. Kruppner seconded the motion and the motion passed with ayes from all.

With no further discussion, S. Richardson moved to approve the sign panel as presented. C. Kruppner seconded the motion and the motion passed with ayes from all.

CEO O'Keefe asked that this information be forwarded to the Zoning Board for their records. Secretary Mack stated that she would take care of this.

### **Wilson Farms – 137 Main Street**

The Board reviewed the request from Wilson Farms to change the panel on their freestanding pylon sign at the corner of Route 20A and Main Street. The panel was originally all blue with white letters and numbers and has been changed to a blue and yellow panel with white letters and numbers on the blue section and black letters and numbers on the yellow section. The yellow panel represents their diesel fuel price.

At this time, the SEQR form was reviewed. C. Kruppner moved to grant this sign request a negative declaration with second from D. Woods. The motion passed with ayes from all.

With no further discussion, C. Kruppner moved to approve the sign change request as presented. D. Woods seconded the motion and the motion passed with ayes from all.

### **Meeting Closed**

With no further discussion, C. Kruppner moved to close the meeting at 5:55pm. D. Woods seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Secretary