

Village of Geneseo
Zoning Board of Appeals
Public Hearing for
Elizabeth Feor
20 Rorbach Lane
Tax Id. # 81.9-2-11
December 07, 2010; 5:10 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Paul Schmied
Thomas Wilson

Code Enforcement Officer

Ronald Maxwell

Applicant:

Elizabeth Feor

Absent:

Ronald Palmer

Secretary:

Debra Lund

Public:

Sue Richardson
Dawn Aprile- Geneseo Hometown Development
Ryan Riehm
Kevin & Lisa Feor
Diane Leffler
Charles Aprile

Chair C. Meisel opened the public hearing at 5:10 p.m. Board members were introduced and it was noted proper notification was published. Eight certified notices were sent and five green forms were returned. The purpose of the hearing was application to obtain an area variance when Section 96-17 [B] and 96-6 [A-C] (5) does not allow an owner to enter into a rental agreement with or cause a dwelling unit to be inhabited by more than four persons unless such persons are a family as defined in the Zoning Code of the Village of Geneseo when said code allows the legal occupancy of any rental building existing on the date of adoption of this chapter to be permitted to continue without change, a five person variance was being sought. The Feors were invited to state their case.

C. Meisel asked if the Feors had contracts for leases for the last eight years. The answer was affirmative and copies were supplied to the Board for review. K. Feor said they had purchased the raised ranch in 2001. It has three bedrooms up and two down with kitchen, dining, and living room and has a bath on both levels. There is a basement door that provides the second egress from the lower level and therefore there is no fire code issue. They have rented to students continuously except for a few short months in 2009. They were given to understand a short break in renting not lasting a full year was considered to still be continuous use. It was noted this is true (the Village Lawyer had been consulted in a previous instance).

There have been no issues with the neighbors as they keep a tight reign on the students. There have been no “wild parties” in part because the house is quite a distance from the SUNY campus and is not in handy walking distance.

It is a non-conforming pre-existing use and K. Feor stated they are asking for a five-person variance. The house has five bedrooms and they would like to rent to five unrelated individuals.

D. Leffler, the next-door neighbor on the left, said she knows the son lives there and has kept the property up very well. She’s been very happy with his care of the place. She understands he might be moving out soon. K. Feor responded their son currently lives there and he will be moving out when he graduates this year. They do anticipate selling the property at some point in the future.

D. Leffler asked if the variance goes with the property or with the current owner. C. Meisel responded the variance goes with the property and is in effect forever. D. Leffler said she is concerned that if the Feors sell the property the new owner may not be as responsible as they have been. It is a quiet neighborhood on a small street. Is there any way to insure the new owners will be as responsible as the Feors? C. Meisel said to call the police and owner if new tenants become overly rowdy.

E. Feor said the property is about one mile from campus and the distance changes the type of student attracted to renting from them. The tenants seem to be more studious minded and are usually quieter people. She did not think this would change much with a new owner.

M. Hamilton asked if there was adequate parking for five people. K. Feor said there is. The house is in reasonably good shape as well.

C. Meisel asked if there were further comments from the public. D. Aprile said she felt D. Leffler has reason to be concerned about future owners and how responsible they would be. Any rental property has the potential to become a nuisance issue.

C. Meisel said the variance could not be denied because the Feors have proved continuous non-conforming use of five unrelated people; by law, the variance must be granted. The Board reviewed the contracts submitted and verified the dates were in order.

P. Schmied noted one lease was to a single person. E. Feor replied that was the short-term rental mentioned earlier, the tenant was only there for three months during the summer. As she understood it, if any rental was for less than twelve months, she only needed to provide proof the home was rented to five unrelated people for part of that year.

With no further discussion 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 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 ___ No X
It has had continuous rental to five students.
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 ___ No X

This is an area variance and a type two action that does not require a SEQR: the proposed action is not environmentally significant.

P. Schmied moved to approve the application to grant an area variance of five unrelated people for property located at 12 Rorbach Lane (tax map # 81.9-2-11) when Section 96-17(b) and 96-6 [A-C](5) does not allow an owner to enter into a rental agreement with or cause a dwelling unit to be inhabited by more than four persons unless such persons are a family as defined in this chapter of the Zoning Code of the Village of Geneseo and when said code allows the legal occupancy of any rental building existing on the date of adoption of this chapter to be permitted to continue without change (Section 96-5[B]); sufficient proof of continuous occupancy by five or more tenants was presented. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

The Feors thanked the Board and exited the meeting, as did the public present.

The Board reviewed paperwork for the upcoming January 4th, 2011 Geneseo Hospitality public hearing. CEO R. Maxwell was questioned for better understanding of the sign plans presented with the application. General discussion of the property followed. R. Maxwell noted the state allowed the two road cuts to remain for the time being but may eventually make them take one out. One entrance was to the property where the building was torn down. M. Hamilton wondered how the drive ran to the carport. There were questions regarding the proposed placement of the free standing sign and how close it would be to the highway. R. Maxwell said it would be quite a ways off the highway; he would have to look at the plans for an exact footage.

M. Hamilton moved to close the public hearing. T. Wilson seconded the motion. All were in favor and the hearing closed at 5:36.

Debra Lund
Secretary