

Village of Geneseo
Zoning Board of Appeals
Public Hearing for:
Daniel O'Mara
Address: 125 Lima Road
Tax Map Id.#: 81.9-1-64.1

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Ronald Palmer
Paul Schmied
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Applicant:

Elizabeth & Daniel O'Mara

Public Present:

Sue Richardson
John & Thelma Gillette

Secretary:

Debra Lund

Chair C. Meisel opened the public hearing and meeting at 4:54 p.m. It was noted the applicants were seeking approval for an addition to an accessory structure (garage) when said addition fails to meet 1.) the front setback range of twenty (20') to twenty-five (25') feet, 2.) the side yard setback of ten (10') feet and 3.) the rear setback of thirty (30') feet per 130-131 Bulk and Use Table R-2 Residential District of the Zoning Code of the Village of Geneseo and when said variance is necessary for a proposed change of use on the property located at 125 Lima Road (tax map ID # 81.9-1-64.1). Proper notices were published and mailed with nine (9) certified letters sent and eight (8) response cards returned. The Zoning Board members were introduced and D. O'Mara was invited to state his case.

CEO R. Maxwell noted he had spoken with Village Attorney T. Reynolds as to the need for a variance with the proposed lot subdivision and proposed change of use. The garage was within code limits when built but the zoning has undergone revision since then. There are now minimum and maximum front yard set backs and with the proposed addition, the garage does not meet the new code requirements. Attorney T. Reynolds suggested the O'Maras apply for a variance on the setbacks before subdividing. There would be no purpose in seeking the change of use if the setbacks were not granted.

C. Meisel asked when the accessory structure was built. D. O'Mara answered it is about ten (10) years old.

C. Meisel asked if all Board members had a chance to visit the site. The answer was affirmative. She noted the accessory structure is a pre-existing building.

D. O'Mara said the addition would contain a kitchen and bath. It would extend sixteen (16') feet in front of the present structure in a straight line with the sidewall of the existing building on the lot line side.

M. Hamilton inquired what this made the setback. T. Wilson said the garage is currently seventy (70') feet off the street as it now stands; he thought the old code setback was six (6') foot for the side yard.

CEO R. Maxwell stated it was five (5') feet under the old code and is now ten (10') feet. The new code differentiates between a garage and accessory structure. The old version of the code did not. Attorney T. Reynolds did not foresee any problems with the subdivision of the property and the garage being converted to house if the variances were granted. An approximate four (4') foot setback variance would be needed. P. Schmied asked how far off the lot line the current structure was located and it was noted the distance was six (6') feet. C. Meisel noted the proposed addition would not come out as far as existing homes on either side of it and will not block their windows.

C. Meisel said there is nothing behind the present structure. It backs up to a corner of Wm. Curry's property and no structures are visible behind the building location.

J. Gillette, a neighbor, commented he has no objections to the variances or to the possible proposed use of the structure.

T. Wilson asked the Gillettes if they were concerned the proposed house would become a student rental. J. Gillette stated the thought did not bother him – he has been good friends with the O’Maras and was sure all would be fine. There was formerly a home on the lot years ago.

T. Wilson asked if when the addition is built and the garage converted into a dwelling, would it meet lot coverage requirements. D. O’Mara said it is a deep lot and R. Maxwell said the proposed subdivided lot measured seventy-eight (78’) feet wide by one hundred thirty-two (132’) feet deep (ten thousand two hundred ninety-six square feet). There is more than enough green area. J. Gillette said only a single lane drive way leads to the garage. It would not encroach on the green area to a very large extent.

C. Meisel said the code calls for a minimum green space of sixty (60%) percent and CEO R. Maxwell added the maximum allowable lot coverage is forty (40%) percent.

T. Wilson asked if the lot area needed to be established to grant the variance. CEO R. Maxwell said Attorney T. Reynolds had commented it did not during the conversation mentioned earlier. P. Schmied asked if the Board allowed all the variances, would D. O’Mara need to return to the Board after the subdivision for further variances. R. Maxwell said no, the Planning Board would handle the subdivision. R. Palmer asked if the variances were approved, does this change everything to within code. R. Maxwell said the sixteen (16’) foot by twenty-four (24’) foot addition would then be o.k.

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

The building already exists.

3. Is the requested variance substantial? Yes _____ No X
The building was O.K. within the old code when erected.
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 _____

T. Wilson moved to approve the variance for an addition to an accessory structure (garage) when said addition fails to meet. 1.) the front setback range of twenty (20’) to twenty-five (25’) feet, 2.) the side yard setback of ten (10’) feet and 3.) the rear setback of thirty (30’) feet per 130-131 Bulk and Use Table R-2 Residential District of the Zoning Code of the Village of Geneseo and when said variance is necessary for a proposed change of use on the property located at 125 Lima Road (tax map ID # 81.9-1-64.1); with approval based on a subdivided lot measuring seventy-eight (78’) feet wide by one-hundred thirty-two (132’) feet deep to be granted by the Planning Board of the Village of Geneseo and with the addition to measure twenty-four (24’) feet wide by sixteen (16’) feet deep built attached to the front of the present accessory structure as per the presented placement drawing. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Palmer, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

The O’Maras thanked the Board and exited the meeting as did the Gillettes.

Minutes of the December 07, 2010 ABVI-Goodwill Public Hearing were reviewed. M. Hamilton moved to approve the minutes as presented. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; T. Wilson, aye; and R. Palmer, abstained as he was absent from the meeting. The motion passed.

Minutes of the December 07, 2010 Yanik Public Hearing were reviewed. M. Hamilton moved to approve the minutes as presented. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; T. Wilson, aye; and R. Palmer, abstained as he was absent from the meeting. The motion passed.

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R. Palmer moved to close the public hearing. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; T. Wilson, aye; and R. Palmer, aye. The motion passed. The public hearing closed at 5:25 p.m.

Discussion followed regarding the proposed Geneseo Hospitality LLC signs. S. Richardson remarked the sign on the Hampton Inn behind the “Fridays” restaurant on Route 96, Victor is much smaller than those proposed for Geneseo. S. Richardson thought the sign was on the portico and did not remember seeing a freestanding sign. She noted most hotels have a signature look to the building and are easy to spot even without signage. R. Palmer will look on his way to or from work and report back to the Board on the approximate size, location, and style of the sign.

R. Palmer moved to close the meeting T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; P. Schmied, aye; T. Wilson, aye; and R. Palmer, aye. The motion passed. The meeting closed at 5:40 p.m.

Debra Lund
Secretary