

Village of Geneseo
Zoning Board of Appeals Public Hearing for:
Nicole Fogarty
Address: 23 Woodbine Park
Tax Map Id. #: 81.9-2-39.85
June 07, 2011; 4:30 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Paul Schmied
Bruce Teall
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Applicant:

Nicole Fogarty

Public Present:

None

The public hearing and meeting opened at 4:30 p.m. Chair C. Meisel introduced the Board members. She noted the proper legal notices had been published; ten certified letters were sent and six responses were received. The purpose of the hearing was an appeal by N. Fogarty for approval for an addition to an existing garage that fails to meet side yard setback of ten (10') feet per the 130-131 Bulk and Use Table, R-2 Residential District of the Code of the Village of Geneseo, an approximate four (4') foot variance is being sought.

Chair C. Meisel invited N. Fogarty to state her case. N. Fogarty would like to enlarge the current garage from one vehicle to two vehicles so that both cars can be parked inside at one time. If there is a way to add on, she and her family would remain in the home. She grew up in Geneseo and hopes to rear her children here. However, she needs the ability to make the house fit the family's lifestyle better.

T. Wilson was concerned the proposed garage addition would be to an occupied side of the neighbor's house and the effect it would have on their quality of life. N. Fogarty said there would still be fifteen (15') feet between the garage and her neighbor's house and there are no windows on the ground floor on that side of the house.

CEO R. Maxwell stated the new New York State Fire and Building Code requires a minimum of five (5') feet between structures or if closer, the structure must be fire rated.

T. Wilson asked if any letters had been received from the neighbors and D. Lund responded there had not been. C. Meisel noted no public was in attendance. N. Fogarty said she had talked with many of her neighbors and quite a few were surprised she had to notify them by certified mail but no one expressed concerns regarding her proposed addition.

R. Maxwell noted the lots existed before the change to the present code and most are now too narrow to allow additions without a variance.

B. Teall asked the elevation of the proposed addition and N. Fogarty said it is a standard garage height at this point. In the future, she might like to put a master suite above it if they receive the four (4') foot variance and if they remain in the house. At present, they have one young son but she would like to add to the family. N. Fogarty commented she would like to live there until her son grows up- at least another ten to fifteen years. T. Wilson asked if the gable end of the garage faced the neighbor and if the addition would just extend the roof line. R. Maxwell said that was the case.

C. Meisel questioned the shed on the back of the property; she said it sits on land owned by the neighborhood association. N. Fogarty responded the shed was there when she and her husband purchased the property from the Bianchis and she thought the shed was just inside their property line but was not sure. P. Schmied asked if the shed could be moved. C. Meisel stated N. Fogarty did not need to move it as it was on the property when purchased. R. Maxwell commented the state is changing regulations and in the future, one

will need all permits, certificates of occupancy and certificate of compliance in order to sell a property. The tile line for the Village runs through part of Woodbine's "forever wild" area on the left side and may end up with willow trees fouling the lines. A "forever wild" area is not supposed to be touched so weeds cannot be eradicated and so forth. He sees this as becoming a future source of problems. N. Fogarty commented there are drainage problems already farther up the street. A neighbor farther down had cleaned out part of the area behind his property and that has helped her back yard, it is not as wet. R. Maxwell noted people have dumped yard clippings and other such debris in the floodway and that has added to the problems. Current building regulations would probably designate the area as "wet land" and prohibit building.

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's approximately 33%. R. Maxwell noted there is a minimum of fifteen (15') feet for cluster zoning in the new Code, the variance is still not half that distance, only about one-third (1/3rd).
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 _____.

It is noted this is an area variance and a type two action that does not require a SEQR. C. Meisel stated it was so noted that the proposed action has been considered under SEQR and has met the requirements for a Type II action: the proposed action is not environmentally significant.

T. Wilson moved to grant the requested variance for an addition to an existing garage that fails to meet side yard setback of ten (10') feet per the 130-131 Bulk and Use Table, R-2 Residential District of the Code of the Village of Geneseo with an approximate four (4') foot variance. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton - aye; P. Schmied – aye; B. Teall – aye; and T. Wilson- aye. The motion carried. N. Fogarty thanked the Board and exited the meeting.

Discussion followed with general review of issues regarding the Woodbine Homeowner's Association and the "forever wild" area associated with it.

Chair C. Meisel presented the memo from the Planning Board with the attached State Environmental Quality Review Negative Declaration Notice of Determination of Non-Significance for the Wadsworth Homestead Project. It was noted the information had been received by the secretary on April 25, 2011 but the Zoning Board did not meet in May. CEO R. Maxwell said the kitchen work was done and a Certificate of Occupancy had been granted. He noted they had catered an affair at the Sweet Briar. It appeared to have gone well.

M. Hamilton asked if Starbucks had been bought or if the original owner was still in possession and if something could be done about the overgrown lawn and landscaping. R. Maxwell is looking into it and the current owner is still Kessler; they are supposed to keep up the appearance of the property.

C. Meisel noted she had received a complaint of an unmown lawn at either 8 or 10 Livingston Street and R. Maxwell said he would look into it. He remarked the home owned by D. Bailor on E. South Street had a fire earlier in the week and the Code Office tagged it. It will require extensive renovation and may come before the Board with variances once that work is in progress.

The property formerly owned by R. Aprile on Wadsworth Street has been purchased by Strubles and will most likely remain rental property. It is currently tagged and has significant issues to be resolved before it can be occupied.

With no further issues to be discussed, T. Wilson moved to close the public hearing and the meeting. B. Teall seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton - aye; P. Schmied – aye; B. Teall – aye; and T. Wilson- aye. The motion carried. The public hearing and meeting closed at 5:01 p.m.

Debra Lund, Secretary