

Village of Geneseo Planning Board
Work Session
July 20, 2011

Members Present:

Chair Matthew W. Griffo
David Woods
Claren Kruppner

Other Village Representative(s) Present:

Code Enforcement Officer Ron Maxwell
Attorney J. Thomas Reynolds

Public Present:

None

Work Session Opened

Chair Griffo opened the work session at 4:03pm.

**Dotterweich – 18 Wadsworth Street – Special Use Permit Request –
Single Family to Two Family:**

Two new correspondences were received from two Wadsworth Street neighbors and one new correspondence was received from Attorney Dolan on behalf of owners Paul & Jennifer Dotterweich since the June 22, 2011 Public Hearing. Chair Griffo stated that he had also received an e-mail from Lynn Kennison (as she is in Italy) wondering when a decision would be made by the Planning Board. Chair Griffo responded to her that the Planning Board is planning on making a decision at their next regularly scheduled meeting on July 27th.

At this time, the Board reviewed Section 130-20 of the Village Zoning Code which states:

D. Special use permits.

- (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.
 - (d) The proposed building or use will be adequately served by essential public facilities and services.
 - (e) The proposed building or use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use.

- (f) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.
- (g) Where requested, a performance bond or other suitable financial guaranty has been provided to assure compliance with the conditions of the special use permit.
- (h) In the review and approval of special use permits, the following additional factors shall be considered:
 - [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.
- (2) The special use permit shall be valid unless it is in violation with the Village of Geneseo Nuisance Law or any conditions set forth by the Planning Board.

The Board agreed that it was fair to argue that younger people may be living in the house because of its close proximity to the college, therefore the Board was concerned with: *(f) All steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.* Noting that more than likely there would be more cars, more noise, and off hour occurrences or high probability of people coming in late at night.

The Board agreed that there may be a devaluing of adjacent properties: *(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.*

The Board wondered if it was fair to use their experience with the last application on this property. D. Woods stated that the Board should use its resources available, and that is one of them.

The Board reminded themselves that at this time, this is an allowed use in this zoning district with a special use permit.

Chair Griffo stated that it is safe to say that this will become a rental property that will not be owner occupied. D. Woods agreed and that it definitely is different when the property is not owner occupied. Chair Griffo agreed and the pictures presented with the first application and this application are proof of that.

C. Kruppner cited the 2007 Village of Geneseo Comprehensive Plan which states: “As well as developing a vision statement, an overall mission statement was created that sets the tone for the entire plan: **‘Protect what we have; be purposeful in what we add.’**” Therefore in this case, it would be another rental.

At this time, the Board looked at the Village of Geneseo Zoning Map and asked what streets were included in the R-2 Zoning District as Wadsworth Street is. It was noted that most of the Village is considered R-2; therefore, a conversion of this type would be allowed within most of the Village with a Special Use Permit. However, the Board agreed that this was probably not the intent when the new zoning was put into place.

Chair Griffo stated that he believes that if the Board allows this request, they would more than likely be seeing a flood of these types of applications and there has already been one received from Steven Struble who now owns 6 Wadsworth Street (previously owned by Ron Aprile).

However, Chair Griffo noted the letter received from Trustee Sandy Brennan at the Public Hearing on June 22, 2011 that stated: “A document is currently being prepared for review and consideration of the Village Board for revision of various portions of the Zoning Code by a ‘code revision’ subcommittee. One revision the subcommittee will recommend will correct a previous oversight incorporated in the Code which mistakenly allows a 2-family dwelling as a specially permitted use in a single family zone (R-1 and R-2).” But, the question is when will this happen?

The Board asked Attorney Reynolds what sources they should use to help them make their decision, noting that they believe residents of the street are good sources. Attorney Reynolds noted that residents of the street are just speculating. When the real problem is the landlord and whether they live there or not.

Attorney Reynolds also noted that the Planning Board can govern such items such as parking and traffic volume. The Board wondered how this was possible considering the Village Code states that only two parking spaces are required per unit, and in this case there is only a single lane driveway with the potential of eight vehicles or more. Vehicles will be parked on the yard and vehicles will go around other vehicles to get in or out of the driveway. Attorney Reynolds noted that this again is speculation.

It was noted that the Mayor’s letter received with the previous application for this property to be converted to a two family states that the “*Comprehensive Master Plan adopted by the Village contains Objective B2-1 ‘Limit adverse impacts and spread of rental housing.’*” Attorney Reynolds and CEO Maxwell reminded the Board that the Village Code trumps the Comprehensive Master Plan.

C. Kruppner wondered how the Planning Board could prove that if this application was approved how much would it devalue neighboring properties. D. Woods noted that the wording within the special use permit section puts the burden of proof on the applicant not the Planning Board.

Attorney Reynolds asked how long the property has been on the market. Chair Griffo stated that the property has only been on the market for approximately 9 months, the offering price has not changed and they claim that the only ones interested in purchasing it are those that want to use it as a two family. C. Kruppner wondered if they lowered the price, could they get a single family purchase it. Chair Griffo responded by stating that it could be rented to four unrelated individuals as it is right

now. Attorney Reynolds wondered if there was a for sale sign in the front yard. Chair Griffo stated that there was, but that the Board should not concern themselves with the sale ability of the property.

The Board was concerned on the domino affect allowing one single family home in the R-2 Zoning District on Wadsworth Street to become a two family home. It was noted that most of the Village is considered R-2. Therefore, the Board will be focusing on the adverse effects in the entire R-2 Zoning District. The Board agreed that they need to think about the entire Village and not just one street.

The Board noted that transient residency is very much different than families.

Attorney Reynolds reminded the Board that they cannot speculate. D. Woods wondered if it was speculation if the neighbors have stated that these types of things have already happened in this neighborhood. Attorney Reynolds noted again that they are also all speculating. They can say what has happened with Landlord A, but that is not necessarily what will happen with Landlord B. The Board present argued however that as residents of this community themselves, they are aware of what happens at/to many rental property when it is not owner occupied. Attorney Reynolds stated that the Board cannot base their decisions on this information as a good landlord can also be an absentee landlord who cannot help what bad things might happen at their rental.

Further discussion followed regarding Attorney Reynolds drafting a positive and negative resolution for the Board to review.

With no further discussion, at 5:13pm, D. Woods moved to close the work session. C. Kruppner seconded the motion and the motion passed with ayes from all.

Aprile S. Mack, Planning Board Secretary