

Village of Geneseo
Zoning Board of Appeals
Public Hearing for: Antonelli Construction,
Representing James Garner
Address: 56 Second Street
Tax Map ID #: 80.16-1-12
April 02, 2013, 4:30 p.m.

Board Members Present:

Carolyn Meisel, Chair
Marlene Hamilton
Bruce Teall
Thomas Wilson

Secretary:

Debra Lund

Code Enforcement Officer:

Dean O'Keefe

Applicant:

Craig Antonelli, Antonelli
Construction, representing: James Garner

Public Attending:

Anne Lutkus
Gretchen Zenner
Edmund Caruso
Zack Arthur

Chair C. Meisel opened the public hearing and meeting 4:30 p.m. Members of the Board were introduced. Proper notice was published and ten (10) certified return receipt requested letters were sent out to property owners within one hundred (100') feet of the property; ten (10) green cards were returned. The applicant is asking for permission to erect a house with an attached garage that fails to meet the required side yard minimum set-back of ten (10') feet on the north boundary line of the property per Section 130-131 Bulk & Use Table for the R-2 District per the Zoning Code of the Village of Geneseo; a five (5') foot variance is being sought.

Chair C. Meisel asked the applicant's representative, C. Antonelli, the builder, to state his case. C. Antonelli said the variance is minimal and the request is for a five (5') foot variance on the right (north) side yard. The house is designed with a twelve (12') foot wide driveway leading to a side loading garage attached to the back of the house. A thirty (30') foot turning radius is usually needed to get vehicles in and out of a side-loading garage without difficulty or the necessity of making multiple maneuvers.

A. Lutkus asked if the turn radius would be to the back of the house and C. Antonelli said this was so. The driveway will be on the south side and is almost positioned where the old one is located. Code Enforcement Officer D. O'Keefe noted the existing driveway is much wider than the proposed one. The house itself meets the code set back requirement, it is only the garage that is too close to the north lot line. The garage is approximately thirty (30') feet from the south lot line and there is over thirty (30') feet from the garage to the back lot line. CEO D. O'Keefe pointed out that if the house had been rebuilt within one year of the fire, it could have been built on the old footprint as a pre-existing non-conforming lot and

would have occupied almost the same space as the proposed house and garage. C. Meisel asked how close the old house was to the lot line. D. O'Keefe stated he'd have to check records but was fairly sure it was within six feet of the property line. E. Caruso, the next door neighbor, agreed with his estimate.

C. Antonelli noted he had "pushed" the drive and garage over on the lot to bring it closer into compliance with the Code.

Chair C. Meisel read an email letter sent to her regarding the variance:

From:

Aurelio and Judith A. Mendoza

57 Second St.

Geneseo, NY 14454

585.243-0465

585.797-5879

To:

Village of Geneseo

Zoning Board of Appeals

Geneseo, NY 14454

Attn.: Debra L. Lund, Secretary

Subject:

Antonelli Construction, representing James Garner

Date:

March 28, 2013

Dear Ms. Lund:

We received a Legal Notice about the public hearing to be held on April 2, 2013 at 4:30 PM concerning a 5 foot variance vs the required 10 foot variance, to be located at 56 Second St., Tax map ID# 80-16-1-12 in the Village of Geneseo, NY.

We will be unable to attend the meeting at that time since we are out of town and will not be returning until mid April sometime.

Therefore, with this letter we would like to express our opinion and objection to this proposed 5 foot variance. We feel the property lot is ample size to accommodate a reasonable size house. We don't feel encroaching an additional 5 feet is necessary. The additional 5 feet of house envelope should be designed into the standard 10 foot requirements of the zoning codes.

Thank you very much for your consideration.

Best regards,

Aurelio and Judith A. Mendoza

Chair C. Meisel asked if the public would like to offer comments at this time. E. Caruso, the immediate neighbor to the north who shares the property line in question, was not in favor of a five (5') foot variance. When the previous house caught fire, the only thing saving his house from catching fire was the fact that the wind was blowing to the south. According to the drawings presented, the new home will be about the same distance away. He is concerned about the possibility of a future fire. He has renovated his home in the last two years and has hand dug out his basement with the help of his sons to recreate more living space. He did not want to ask for a variance or enlarge his home closer to the lot line. He has a double window in his family room that will face the proposed garage and does not consider it a nice view. T. Wilson asked E. Caruso how close his house sat to the shared property line and E. Caruso responded it was approximately ten (10') feet.

C.E. O. D. O'Keefe said the current New York State Fire Code states a structure five (5') feet or less from a property line must have at least a one hour fire rating and be built of non-combustible material such as "hardy board" (cement board). He noted it is hard to tell this cement board from wooden siding and will be made to look like traditional clapboards. A. Lutkus was asked if the whole house would be done with the cement board or just the garage. C. Antonelli said at this time the plans are for the whole house to be sided with cement board.

M Hamilton questioned why as a new build, the home could not be built within Code. She has a friend in a newer home with a side load garage who must back up to pull into her garage and does not see the need for the variance. She does like the design of the proposed house and noted it is very appropriate in appearance to the neighborhood.

Chair C. Meisel commented many of the older homes in the area have narrow driveways and similar problems with their garages. A. Lutkus asked if it was a three bay garage and C. Antonelli said it was only two bays. A lot of thought had gone into the design as it is a narrow village lot. He has built homes on Heritage Drive but the lots are wider. The house is approximately forty (40') feet long and has just under twenty- two hundred (2200) square feet of living space.

Hennan Gibbons and Zack Arthur entered the public hearing at 4:45 p.m. They are neighbors sharing the south boundary line of the property. They were invited to comment but did not.

E. Caruso asked if there had been other variances granted on properties where adjacent properties had also been granted variances for line set backs. Could the Board or Code Enforcement Officer name any of them? C. Meisel and M. Hamilton agreed there had been. Several had been granted to properties on Livingston Street which has narrow small lots.

The area variance 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 2 No 2
E. Caruso, next door, said yes. Most wanted rules followed.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes 4 No ___ Code could be followed and garage moved.
3. Is the requested variance substantial? Yes 4 No ___ It is 50%.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district? Yes ___ No 4 E. Caruso would respect a change of two and one-half (2 ½') feet.
5. Is the alleged difficulty self-created? Yes 4 No ___

E. Caruso suggested splitting the difference of the requested variance between his lot and the Garner lot and suggested moving the garage to the south by two and one-half (2 ½') feet. T. Wilson

asked the Board to consider this proposal. He was originally in favor of granting the variance but as the immediate neighbor was unhappy, was inclined to reconsider. M. Hamilton said she was originally opposed to granting the variance but as C. Caruso stated he could live with splitting the variance amount, she would reconsider as well.

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 Antonelli Construction, representing James Garner, permission to erect a house with an attached garage that fails to meet the required side yard minimum set-back of ten (10') feet on the north boundary line of the property per Section 130-131 Bulk & Use Table for the R-2 District per the Zoning Code of the Village of Geneseo. A seven and one-half (2 1/2') foot variance is granted for property located at 56 Second Street, Tax Map Id. #80.16-1-12. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; B. Teall, aye; and T. Wilson, aye. The motion carried.

C. Antonelli thanked for the Board for their time and diligence. He and the public in attendance exited the public hearing at 4:50 p.m. T. Wilson moved to close the public hearing. B. Teall seconded the motion. All were in favor and the public hearing closed at 4:51 p.m.

The Board discussed a request by David and Andrea Johnson to move the May 7th scheduled meeting to a date in April. The decision was to have a public hearing on their requested variance scheduled for April 23, 2013 at 4:30 p.m. Secretary D. Lund will notify the Johnsons, 3 Seminole Avenue and advise them of procedures.

It was regretfully noted Bruce Teall would be leaving the Board. All present wished him well and were sorry to lose a valued member of the Board.

Minutes of the February 5, 2013 Wal*Mart public hearing were reviewed. T. Wilson moved to approve the minutes as presented. B. Teall seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; B. Teall, aye; and T. Wilson, aye. The motion carried.

M. Hamilton moved to close the meeting and C. Meisel seconded the motion. All were in favor and the meeting closed at 5:05 p.m.

Debra Lund
Secretary