

Village of Geneseo
Zoning Board of Appeals
Public Hearing for:
Charles Nesbitt, Rep.: Graydon Van Ry, Contractor
Address: 63 Second Street
Tax Map ID #: 80.16-2-13
December 03, 2013, 4:30 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Robert Meyers
Paul Schmied
Thomas Wilson

Code Enforcement Officer:

Dean O'Keefe

Applicant:

Charles Nesbitt
Graydon Van Ry, Contractor

Public Present:

John and Rose Anderson Linfoot

Chair C. Meisel opened the public hearing and meeting at 4:30 p.m. Members of the Board were introduced. Proper notice was published and eleven certified return receipt requested notices were sent to neighbors within one-hundred feet of the property lines and ten green cards were returned. The applicant seeks permission to erect a twelve (12') foot x thirty (30') foot addition that fails to meet the side yard set back of ten (10') feet per Section 130-131 Bulk and Use Table for the R-2 District per the Zoning Code of the Village of Geneseo; a two foot variance is sought. Chair C. Meisel invited C. Nesbitt to state his case.

C. Nesbitt stated the twelve (12') foot x thirty (30') foot addition violates the side yard set back by three feet ten inches (3'10") as the fence is not on the property line as he and Contractor Van Ry had thought. He would need a four (4') foot variance instead of the original two (2') foot sought. C. Nesbitt called Secretary Lund to see if the notice could be corrected to show this but found the notice had already gone to the paper legal notices. C. Nesbitt presented the Board with copies of the survey map and a picture of the proposed addition site outlined with a string line. If one does the math from the left side, the distance to the line per the survey map is eighteen feet two inches (18' 2") therefor he is asking for a three foot ten inch (3'10") variance.

Chair C. Meisel asked if there was another location where the addition could be placed. C. Nesbitt replied there is a fence that separates the front from the back yard. In addition, there is a nice deck already in place at the back of the house. He would prefer not to disturb either one.

P. Schmied asked if there were other homes on the street with variances or were all in compliance with the Code. C. Nesbitt responded he did not know but his home is on one of the narrowest lots on the street with only a seventy (70') foot width. CEO D. O'Keefe said the request was reasonable from the Code Office's standpoint. A variance had recently been granted

almost across the street from Nesbitt's for a side yard variance where a new home was being built on a vacant lot. He did not know without looking it up but thought there were probably other pre-existing non-conforming lots as that is an older section of the Village.

Chair C. Meisel commented the Board had received two letters in regard to the requested variance.

*Richard B. Hatheway
62 Second Street
Geneseo, NY 14454*

Linda and I have no objections to the Nesbitt's plans to construct an addition to their home, which is directly across the street from our home.

*Sincerely,
Richard B. Hatheway*

(The letter was received on December 02, 2013)

December 2, 2013

*Village of Geneseo
Zoning Board of Appeals
119 Main Street
Geneseo, NY 14454*

RE: Nesbitt Application for Area Variance for 63 Second Street

To Whom It May Concern:

We, John and Rose Anderson Linfoot, are the owners of 65 Second Street, which adjoins the Nesbitt property to the south. This is to inform the board that we have no objection to the granting of the area variance applied for by Mr. and Mrs. Charles Nesbitt.

Sincerely,

John P. Linfoot

Rose Anderson Linfoot

J. and R. Linfoot were asked if they would like to speak. J. Linfoot noted they are neighbors on the south side and had dropped off a letter for the record earlier. Area variances are easier to grant than use variances. They have a fence and don't know if it is on the property line or not either. The Linfoots seldom use that side yard and as stated in the letter have no problem with the Nesbitt addition.

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 is approximately 30%.
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 _____

Chair C. Meisel noted this is a TYPE II Action under SEQR regulations, it is expansion of a single-family residence on an approved lot and does not require a SEQR; the proposed action is not environmentally significant.

P. Schmied moved to approve the request for permission to erect a twelve (12') foot x thirty (30') foot addition that fails to meet the side yard set back of ten (10') feet per Section 130-131 Bulk and Use Table for the R-2 District per the Zoning Code of the Village of Geneseo. A four (4') foot variance is granted for property at 63 Second Street, Tax Map ID # 80.16-2-13. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

C. Nesbitt thanked the Board for their consideration. C. Nesbitt, G. Van Ry, J. Linfoot and R. Anderson Linfoot exited the meeting at 4:45 p.m.

It was noted a free standing sign had been placed at the Wadsworth Homestead. The Board asked CEO D. O'Keefe if the Homestead had provided proof to the Code Office that NYS DOT had been contacted and had given permission for the sign to be placed in the State Highway right-of-way. This had been one of the stipulations when the variance for the sign was granted. CEO D. O'Keefe replied the permit for the two wall signs had been issued but the free standing sign had been eliminated from that permit. The original permit was amended to reflect this change. A permit has not been issued for the free standing sign. The State will not grant a permit unless the variance meets all local ordinances. M. Hamilton asked if this was the only sign in the State right-of-way. D. O'Keefe replied the SUNY Geneseo sign was also in the State's right-of-way but falls entirely under the State's jurisdiction.

It was noted that according to the Village maps, the area in which the sign was placed is in the State right-of-way. The Zoning Board granted permission for the sign if placed behind the Route 20-A right-of-way. The Board agreed a letter should be written to The Wadsworth Homestead stating proof of permission to erect the sign in the State right-of-way must be

presented to the Zoning Board within thirty (30) days or the sign must be taken down. The Board was in agreement and Chair C. Meisel directed Secretary D. Lund to write the letter for her review and signature.

The Calendar for 2014 meetings was presented and reviewed by the Board. T. Wilson moved to accept the 2014 Calendar as presented; M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

The Wadsworth Homestead - June 18, 2013 minutes were reviewed. P. Schmied moved to approve the minutes as presented. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried.

M. Hamilton moved to close the public hearing and meeting. R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers, aye; P. Schmied, aye; and T. Wilson, aye. The motion carried and the public hearing and meeting closed at 5:05 p.m.

Debra Lund, Secretary

Approved: March 04, 2014