

Village of Geneseo
Zoning Board of Appeals
Public Hearing for: T.Y. Lyn International
Representing Geneseo Land Corporation
Address: Lima Road (Vacant land) - Cedarwood Estates Development
Tax Map ID #: 81.5-1-74.421
March 04, 2014, 4:30 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Robert Meyers
Thomas Wilson

Absent:

Paul Schmied

Public Present:

Patricia Viele
Chernee & Steven Vitello
Matthew Pastizzo
Sue & Allen Bonnell
William Drain

Code Enforcement Officer:

Ronald Maxwell

Applicant:

Richard Ayling, P.E., T. Y. Lin International
Acting Agent for Geneseo Land Corporation

Secretary:

Debra Lund
Cristina Geiger
David K. Geiger
Jason Sorge

The meeting and Public Hearing opened at 4:30 p.m. Chair C. Meisel introduced the Board members. Proper notice had been published and interested boards notified. Thirty-eight (38) legal notices had been sent to neighbors within one-hundred (100') feet of the property boundary and thirty-five (35) green cards had been returned. The purpose of the hearing was a request for relief from the minimum allowed lot depth of one-hundred twenty five (125') feet per Bulk & Use Table 130-131 of the Village of Geneseo Code. A variance not to exceed six (6') feet in depth is sought for lots #51-56 on Dorchester Drive in the Cedarwood Estates subdivision as per drawing SA-3 submitted February 03, 2014. The lots met code when the subdivision was given approval in 2007 but fail to meet the revised code. The lots in question are in the "future development phase" of the subdivision. Livingston County Planning Board has responded. (Please see the included letters.) It was noted a SEQRA would not be necessary as the Planning Board would be responsible for it.

Agent R. Ayling, P.E., representing Geneseo Land Corporation was asked to present his case. R. Ayling said the variance requested was for lots #51-56 along the east property line and were in compliance with zoning when the original development was laid out and approved in 2006. The revised zoning requires a depth of one-hundred twenty-five (125') feet and the lots in

question are one-hundred nineteen (119') feet eleven (11") inches deep. In order to make the lots meet current zoning, there would have to be a jog in the road. Only a six (6') foot variance is being sought and that is not substantial. C. E. O. R. Maxwell noted the original zoning stated a lot must be seventy-five (75') feet wide and have 12,000 square feet but did not give a depth.

M. Hamilton asked what size houses were in the current built area and the proposed Phase II section. R. Ayling replied they are approximately twenty-four hundred (2400) square feet. M. Hamilton asked if this number included a deck area. This was a problem that had come before the Board previously. R. Ayling said the homes would be situated closer to the roadway and would have approximately sixty-nine (69') feet of depth in the back yard for buildable structures. R. Maxwell stated the deck is considered as part of the square footage of a buildable structure. The side yard set back has changed and is now ten feet.

Chair C. Meisel noted she would not like to see the same problem the Vieles had when they came before the Board asking for a variance for a deck – the issue was caused by the builder and how the home had been situated on the lot. R. Ayling noted the lots are wider than code requires at seventy-five (75') feet while an average home is approximately fifty (50') feet in width. The proposed lots are as big as or bigger than some of the Phase I lots.

M. Hamilton commented the twenty-four hundred (2400) square foot home seemed large for the size of the lots. R. Maxwell said a two-story home could be twenty-four hundred (2400) square feet and only have a twelve hundred (1200) square foot footprint. A one story home might be a problem. The set back for Phase I was greater but the lots were bigger. Zoning no longer requires that.

C. Meisel asked if any of the audience, neighbors, would like to express their opinions. C. Vitello stated she lives at 12 Steeplechase and does not want to see the narrow lots proposed. The development will not look the same as the one originally proposed when they bought their lot and built their house. A twenty-four hundred (2400) square foot home will not look nice on that small a lot. C. Meisel replied this is not something the Zoning Board can address but C. Vitello should address this with the Planning Board.

Chair C. Meisel noted the Board had received several letters and read them to the Board and audience. (Extra spacing lines have been removed – letters were received via email).

*Village of Geneseo
119 Main Street
Geneseo, NY 14454*

*To: Carolyn Meisel, Chair- Zoning Board of Appeals
From: Jason Frazier, Department of Public Works Supt.
Re: Cedarwood Development
Date: February 13, 2014*

The proposed street, Dorchester, in the proposed plans has the street going North West parallel to the property line. We would like this proposed roadway to go straight as shown in the drawing instead

of having a curve or jog in the roadway as would be the case if the proposed variances are not granted as recommended.

*Respectfully,
Jason Frazier
Superintendent, Public Works*

C. Meisel noted this letter was addressed to the Planning Board but the Zoning Board had also received a copy.

Dear David,

We live at 18 Melody Lane, Geneseo. The Cedarwood Estates development is behind us.

Based on information we received about zoning variances requested for the development, we thought its new, update plans would soon be reviewed by the Village Planning Committee.

There is a narrow strip of woods behind our house that would be on lots of the new development. (The strip of woods extends from 22 until possibly 14 Melody Lane. The exact eastern edge is not certain – we are currently in Florida for 3 months so we cannot check it.) We enjoy having the woods as a privacy barrier and for the enjoyment of the trees. Advantages that we enjoy would also be true for folks who build behind us. We urge the developers to retain the woods so we can all enjoy advantages of the trees and shrubs.

Thank you for considering this issue.

Sincerely,

James and Arleen Somerville

4177 Lima Road
Geneseo, New York 14454
February 27, 2014

*Village of Geneseo
Zoning Board of Appeals
118 Main Street
Geneseo, New York 14454*

Re: T.Y. Lin International Application

Dear Madam Chair and Members:

We are the owners of the property that abuts the land that is the subject of this application for a variance.

As you will recall the 30' set back requirement was the basis of an application for a variance by Mr. and Mrs. Viele. Their builder had created a handicapped accessible home with sliding glass doors, several feet above grade, facing the rear, 31' from the lot line. Through no fault of either landowner, the Vieles and the Calabreses were subjected to two hearings on this matter and finally a variance was granted, less than originally applied for but more than the ordinance allowed.

In order to avoid such a problem in the future, the ordinance under which a variance is currently being sought, was amended to increase the lot size. Your appellants want the lot size as originally created, which caused so many problems in the past. The set back from our property would still be 30 feet under either size lot.

Personally, we are supporters of larger lots. However, if the Board grants the variance we would ask that it be stated that the 30' setback will not be varied in the future. The fact that this area is not visible from our house (solely a result of our tree planting efforts) is irrelevant. Line of sight is not a primary reason for setbacks.

A 30' rear yard set back is minimal and creates access problems for firefighters, and in this case the trees would prohibit access from the rear. Our concern is maintaining the minimal set back distance and not creating another situation similar to the Vieles. The developers should now be on notice that designing a home that would require violation of the setback to use sliding glass doors will not be tolerated.

Thank you.

Respectfully submitted,

Rocco S. Calabrese

Mary C. Calabrese



**LIVINGSTON COUNTY
PLANNING BOARD**

Livingston County Government Center
6 Court Street, Room 305
Geneseo, New York 14454-1043

Telephone: (585) 243-7550
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February 14, 2014

Aprile Mack
Village of Geneseo
119 Main Street
Geneseo, NY 14454

RECEIVED

FEB 19 2014

Village of Geneseo

Re: Zoning Referral #2014-09, Village of Geneseo, Subdivision Review and Area Variances for the Cedarwood Estates Subdivision off Steeplechase and Dorchester Drive (Applicant: T.Y. Lin International obo Geneseo Land Corp)

Dear Ms. Mack:

The Livingston County Planning Board, at its regular meeting on February 13, 2014, reviewed the zoning referral from the Village of Geneseo of the above mentioned pursuant to Sections 239-l, m and n of the General Municipal Law of the State of New York. The Planning Board voted to recommend "Approval" of the proposed action with the following advisory comments

1. Municipal Notification. The Village should ensure all the necessary notifications are completed at least ten days prior to the Village Planning Board public hearing, as required by General Municipal Law § 239-m.
2. Agricultural Data Statement. If not done already, the Applicant should submit an Agricultural Data Statement for the Village to review. According to NYS Agriculture & Markets Law Section 303-a (2), the board reviewing the application "shall evaluate and consider the agricultural data statement in its review of the possible impacts of the proposed project upon the functioning of farm operations within such agricultural district."
3. SEQR. The Applicant should submit an Environmental Assessment Form for the Village to review before final action is taken. Although it is an Unlisted Action that does not require coordinated review, the Village Planning Board and ZBA could informally coordinate SEQR review on the Action as a whole.
4. Area Variance Criteria. The Village should carefully consider the benefits of the requested variance to the applicant against the potential negative impact on the neighborhood.

5. Stormwater. If not done already, the Applicant should supply the Village with an updated Stormwater Pollution Prevention Plan that ensures that all stormwater facilities will be sufficient to handle existing and future stormwater from the proposed development.
6. Stormwater Facility Maintenance. The existing stormwater facility is maintained by a Phase 1 homeowners association. While the submitted information shows that the *homeowners* association owns the stormwater management facility, it is currently owned by the Geneseo Land Corp (Applicant). It is unclear how or if future phases will also be responsible for the maintenance of this stormwater facility. If not done already, the Applicant should provide the Village with details on how maintenance of the stormwater facility will be handled with the development of Phase 2 and future phases.
7. Coordination with County Agencies. Phase 2 received a Certificate of Approval of Realty Subdivision Plans from the Livingston County Department of Health in 2007. Because the plans have changed, the revised plans may need to be reviewed by the Department of Health. If not done already, the Applicant should check with the Livingston County Department of Health to determine if a new review under the Realty Subdivision Law is required.

There was a quorum present at this meeting. There was a majority vote on this matter.

Thank you for submitting the proposed for County Planning Board review. If you have any questions regarding this referral, please do not hesitate to call Heather Ferrero, Deputy Director, or me at 243-7550.

Sincerely,



Angela Ellis
Planning Director

cc: Cathie Gehrig, Chairman, Livingston County Planning Board
Stewart Leffler, Village of Geneseo representative, Livingston County Planning Board
T.Y. Lin International obo Geneseo Land Corp, Applicant
Debra Lund, Village of Geneseo

Chair C. Meisel invited the public to speak and reminded everyone the Board could only address issues with the lots under review.

D. Geiger noted he had attended the February 26th Planning Board meeting and he understood that twenty-four hundred (2400) square foot homes were being proposed for these lots. The lots seemed very small for that size housing. They would be the same size as the proposed house in Phase II. R. Ayling said he had understood correctly. D. Geiger inquired why the Livingston Edition of the Penny saver had an ad indicating the homes would be in the twelve hundred (1200) square foot range. There seems to be inconsistency in lot sizes. When he was sold his home, he was promised community green space and it is gone in the new layout. He is concerned with anything happening without better notification and oversight. R. Ayling noted

the lots are about one-quarter (1/4) of an acre and larger than current code requires with a seventy-five (75') width.

C. Vitello expressed concern as a taxpayer with the inconsistent message being received from the builder and doubts his integrity. She did not see how Nothnagle Realtors could be advertising building lots with house plans of approximately fifteen hundred (1500) square feet when approval has not been given for that part of the subdivision. She expressed concern that the smaller houses on smaller lots would detract from the value of her neighbors and her home. C. Vitello said most of their homes were in the two-hundred fifty thousand (\$250,000.00) to three hundred fifty thousand (\$350,000.00) dollar range. These much smaller homes and lots would depreciate the resale value of their homes. C. Vitello was also concerned with the additional traffic generated by the density of these proposed homes and concerned for the safety of neighborhood children.

S. Vitello added he had seen advertisements for Phase II homes in the one-hundred seventy-three thousand (\$173,000.00) dollar range for twenty seven hundred (2700) square feet. This is a drastic change from what they were shown when purchasing their home and will have a big impact on their ability to sell their home for the amount invested.

R. Meyers asked Code Enforcement Maxwell if the code specified a minimum square footage in home size and if so what it was. R. Maxwell responded he was not sure but did not believe one existed; he would look into it.

M. Hamilton asked why the future phase was redesigned from the original and why the cul-de-sac had been eliminated. R. Maxwell explained the original design was given final approval but was not filed with the County. The revised zoning does not allow townhouses included in the original plans. Department of Public Works Superintendent J. Frazier asked the cul-de-sac be eliminated as suggested with current transportation planning. The current plans have lots larger than required by the Village Code. If the home is properly sited, it will fit and the Code Office would have to give a building permit as it meets code. These lots are seventy-five (75') feet wide and the code only required fifty (50') feet. R. Ayling noted he had provided several alternative ideas but they were not accepted by the Village.

M. Hamilton commented she sympathized with the neighbors. It did not seem appropriate to place much smaller homes on smaller lots in the same area as the more expensive residences on larger lots. She did not feel twenty-four hundred (2400) square foot homes would look pleasing on the much smaller lots. R. Meyers asked if the plans had been approved yet and C. Meisel answered the plans were not approved by the Planning Board yet but were being reviewed at their current meetings.

M. Pastizzo said he had been attending Planning Board meetings. The Phase II had not been approved yet but the whole subdivision looked a lot different from the original proposal. There are no townhouses now and a much greater concentration of much smaller houses and lots. He wondered who would put a twenty-four hundred (2400) square foot home on these lots. He asked if the variance were not granted, would the future area be redrawn and could the lots then be larger. He understood Superintendent Frazier's reasoning for wishing to keep Dorchester

Drive straight in the requested variance area however he felt other solutions were possible. One suggestion was to make three lots into two.

C. Geiger said she understood the wish to keep the roadway straight and therefore the reason for the variance request however she felt a gentle curve would work and allow the lots to be increased to the current one-hundred twenty-five (125') foot in depth. It does not need to be a sharp jog and if one lot was given to the Village this could be accomplished. It would also put some green space back at the corner of Steeplechase and Dorchester Drive.

J. Sorge understood the open space was removed as it was required for the original plan's townhouses and that it is no longer needed with the current zoning. R. Maxwell said the plans could still include green space but the code does not specify that it is necessary. C. Vitello remarked people coming to Geneseo want yards. She'd like to see the developer reduce the number of lots and increase the size. All of the neighbors witnessed the problems the Vieles went through trying to add a deck. She is not happy with what she perceives as the developer's lack of integrity; too many of the things promised have not turned out as stated. C. Meisel noted issues with this developer have been heard before. It was asked if the current owner was the same one presenting the original subdivision proposal. C.E.O. R. Maxwell stated there had been two other owners before Mark Van Epps and Geneseo Land Corporation.

M. Pastizzo remarked there was a considerable concentration of homes in the "future phase" area. If the lots were as big as the earlier phase of the development, the larger homes would be a better fit. He stated the developer was packing them in and the six (6') foot variance would not be needed if the area was reworked with larger lots. These lots and the smaller proposed homes will affect not only Steeplechase and Westhampton but Melody Lane homes as well when the rest of the parcel is developed, driving down all of their home values. He would like to be heard as opposed to having so many small lots and homes. M. Pastizzo felt alternative plans could be proposed.

P. Viele said she also is concerned about the density of the housing and sympathizes with her neighbors. She expressed concern regarding the amount of traffic smaller lots would generate and was not in favor of the smaller homes after her issues with adding a deck.

B. Drain noted most of the lots on Melody Lane are about one-half (1/2) an acre or larger with the average lot size being approximately one-hundred (100') feet by one-hundred thirty-five (135') feet. The proposed lots were too small in his estimate and he agreed they would drive down resale value of other homes in the area. C. Meisel noted the side lot has changed from fifteen (15') feet to ten (10') feet so lots can now be closer together. R. Maxwell state lot widths are a minimum of fifty (50') feet.

T. Y. Lin representative R. Ayling noted the lots asking for the variance are significantly larger than required. The original plans called for seventy-three (73) homes and the new plans have only added three (3) for a new total of seventy-six (76). These were created by the new roadway requested by the Village's Department of Public Works due to the elimination of the cul-de-sac. Density is very similar to the original plan but he hears the neighbors concerns and will take back with him the suggestion that lot size be increased. He also noted the public would

like the lot sizes verified. The Phase II lots are approximately twelve hundred (1,200) to thirteen (1,300) square feet with the radius corner lots being somewhat bigger. Originally Phase II had ten lots proposed and now has eleven. The homes in the “Future Phase” are not all that much smaller at about nine (9,000) thousand square feet. There should not be a rear lot problem if the home is properly sited. It does not make sense to rearrange a roadway for the small amount of six (6’) feet of variance requested.

S. Bonnell remarked that did not answer the question of breach of promise given when she and her husband bought their home. Plenty of green space was shown in the plans and the traffic and density of homes was lower. Current homes in the development cost in the three hundred thousand (\$300,000.00) dollar range and they will not see that return on their investment when selling their homes if the development goes in as shown in the plan presented tonight. She questions the integrity of the builder, is concerned about increased traffic, and the affect this will have on resale value of homes in the Phase I portion of the development.

C. Vitello asked if the decision could be tabled until confirmation of the home size versus lot coverage was reviewed by the planning board. Chair C. Meisel responded that was not the concern of the Zoning Board and this board can only deal with the variance request brought before it. C.E.O. R. Maxwell stated the Code Office cannot deny a house if it meets code regardless of the lot size.

M. Pastizzo commented the original plans had green space with townhouses. This was approved in 2006 he believed. R. Maxwell responded the plans were approved but not properly recorded as noted earlier. The plans must be recorded within one year and as this was not done, the developer had to come back before the Planning Board. The code was revised in between and plans had to be redone as townhouses are no longer allowed. T. Y. Lin representative R. Ayling said the Phase II section of the plans are currently before the Planning Board and final approval process will start at the next meeting on March 26th. R. Maxwell remarked the size of the lots and homes in Phase II are comparable to those in Phase I.

R. Meyers said the number one complaint he is hearing is that the neighbors are unhappy with the smaller lot sizes and homes proposed for the Future Development Phase if the Nothnagle Realtor ad is correct. The price of the homes will be much less than those currently built in the development. R. Ayling responded size is not the issue as the requested six (6’) foot variance is only about a four (4%) percent difference. M. Pastizzo responded the lot is about the size of the smallest of the larger lots in the other phases. J. Sorge commented there is a history of the lot size creating a problem, referencing the Viele variance issue. C. Meisel asked P. Viele if her home could have been sited differently. P. Viele replied the home had to meet the front yard setback from the sidewalk. R. Maxwell noted the problem was the way the home was sited on the lot. The builder could have just put steps down from the patio doors and it met code but did not leave room for a deck to be built and still meet back yard setback requirements.

C. Vitello wanted guarantees the builder will do the rest of the development correctly. She and her husband paid three hundred (\$300,000) thousand for their home with an additional

cost of fifty (\$50,000) thousand in various land fees. She feels the planning board cares more about signs than they do about the development being properly planned.

J. Sorge stated that the entire neighborhood was upset about the proposed plans and lack of faith in the developer should raise a red flag with the appropriate boards.

R. Meyers said the lots are only proposed and not approved at this point as those in question are part of the future development. Chair C. Meisel responded variances go with the land forever. The Planning Board wanted the variances reviewed and a decision set before going forward with the development's plans. R. Maxwell reaffirmed variances are forever once given.

R. Ayling, P.E. said he would discuss the issues raised with the builder. The builder should not have to encumber the whole development over these lots. He asked that the Zoning Board look at the lots where the variance was being requested. R. Meyers said suggestions to solve the problem without the variance had been made. While those present can not set it, they should be able to influence the final plans for that segment of the development.

W. Drain asked if a variance is given on lots#51-56, would the builder then want a variance for the rest of the lots. If the road was curved as previously suggested, would they still need the variances? M. Hamilton said the variances would not be needed then or perhaps only one lot might need the variance.

C.E.O. Maxwell stated he had discussed options with Department of Public Works Superintendent J. Frazier. J. Frazier said he had studied the plans and the roadway cannot be changed as it would make too abrupt of a turn and there are currently homes in existence to reroute it effectively. He also did not want the cul-de-sac to remain or a dead-end stub road. The Village has dedicated the small portion of Dorchester Drive already in existence.

M. Pastizzo felt a gradual curve could be introduced without causing an abrupt turn or jog and wondered why this could not be considered. R. Ayling replied it was not desirable to have a curve there, a straight roadway made more sense.

T. Wilson stated he felt the variance should be granted. It is not the fault of the current builder that the original plans were not properly filed or that the zoning had been revised. He would like to see it go back to the Planning Board for the Future Development Phase. C. Meisel and R. Maxwell both stated the Planning Board had request R. Ayling ask for the variance before they were willing to move forward on approval of the plans. It is before this Board and a decision should be reached.

R. Ayling, P. E. for T.Y. Lin International asked to read his original request for variance to the Board and the public:

February 3, 2014

Village of Geneseo
119 Main Street
Geneseo, NY 14454

ATTN: Mrs. April Mack

RE: Request for Area Variances
Cedarwood Estates Subdivision-Phase-II
Village of Geneseo, NY

Dear Zoning Board Members:

On behalf of our client, Geneseo Land Corp., we hereby respectfully request to appear before the Zoning Board of Appeals at the March 4th, 2013 meeting to seek area variances for the subject project. The subject project is the second phase in the continued development of the subject 30+/- acres parcel known as the Cedarwood Estates subdivision. Phase II consists of the subdivision and associated improvements to create an additional 11 residential building lots as depicted on the attached plan.

Phase 1 of the project consisted of the development of 15 single family residential lots and associated roadways and improvements. Phase 1 was approved in 1990, and is currently nearly complete. Phase 1 included the construction of two roadways that were designed to allow extension to serve the future phases. Approximately 135 feet of the roadway named "Dorchester" has been constructed on an alignment parallel to the eastern property line of the subdivision. Currently, two residential lots have been developed adjacent to the constructed segment of the roadway. The distance from the right-of-way to the subdivision property line is 119.11 feet. Therefore, the maximum lot depth possible for lots along the east side of the roadway is 119.11 feet if the roadway is constructed on its current alignment.

Subsequent to the original approval, the property has been re-zoned by the Village of Geneseo. The minimum lot depth allowed by the current zoning is 125 feet. It is not feasible, or appropriate to realign the partially constructed roadway to allow the depth of these lots to be increase to 125 feet because an undesirable "jog" would be created in the roadway. Therefore, we are seeking variances to allow lot depths of 119.11 feet for the proposed Lots #51 through 56# of the future development of the parcel, as depicted on the attached plan, "SA-3, Preliminary Site Plan-Alternative 3", in lieu of the 125 feet required by the current zoning.

The following is a summary of the five criteria associated with the determination of granting area variances in accordance with section 130-17, C (2) of the village code:

130-17.C (2) a: The subject variances will not create an undesirable change to the character of the neighborhood or detriment to nearby properties. The lot depth of 119.11 feet provides 69.11 feet of buildable area within the code required setbacks for construction of the main house on each of the lots. This dimension is more than adequate for the proposed construction of properly sited single family homes. The requested variances of 5.89 feet in lot depth will not create a significant perceivable difference in the function, use or appearance of the neighborhood.

130-17.C (2) b: The benefit sought by the application of proceeding with the development of the subject building lots cannot be achieved by any other feasible method. In order to increase the lots to the currently required code minimum of 125 feet, an undesirable "jog" would be created in the roadway. This realignment of the roadway would detract from the safety, and appearance of the neighborhood.

130-17.C (2) c: The requested area variances are not substantial. The required variances of 5.89 feet in lot depth will not create a significant perceivable difference in the function, use or appearance of the neighborhood.

130-17.C (2) d: The requested area variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The required variances of 5.89 feet in lot depth will not create a significant perceivable difference in the physical or environmental conditions of the neighborhood.

130-17.C (2) e: The requested area variance was not self created. The property was rezoned by the Village of Geneseo to establish the current minimum lot depth of 125 feet, after the previous approval was granted, and the construction of the existing roadway section, and adjacent homes was completed.

It is our belief that the subject project will not create adverse impacts to the neighborhood or community. The requested variances will not create a significant perceivable difference in the function, use or appearance of the neighborhood.

Please find the following items attached in support of this application:

- 12 copies of This Letter of Intent
- 12 copies of the Preliminary Site Plan-Alternate 3
- 1 copy - Zoning Permit Application

Should you have any questions or require any additional information for this request, please do not hesitate to contact me at 585-512-2000. We look forward to discussing this request with the Board on March 4th. Thank you for your attention to this matter.

Sincerely,
T.Y. Lin International Engineering, Architecture and Land Surveying, P.C.


Richard M. Ayling, PE
Project Engineer

RMA/sw

Attachments

Cc: Mark Van Epps - Geneseo Land Corp.

Chair C. Meisel stated the Board would review the Area Variance Questions.

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 3 No 1

- The neighbors present felt this would be a detriment to the value of their homes.
 - The current residents have a legitimate reason to want variance disapproved-a heavy investment in their homes, lesser value upon selling.
 - The proposed lots get smaller. It is unfair to the current homeowners to create much smaller homes to be sold at much lower values.
 - Small percentage lot reduction, should not affect the size of homes to a great extent.
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes 3 No 1
- The roadway could be moved slightly. A variance might be needed for the first two lots but the others would not.
 - Increase the lot sizes to build larger and more suitable homes.
 - Create bigger lots by creating two lots where three were proposed. If this was done, larger, more appropriate homes could be built with this change. I would grant the six foot variance requested.
 - Causes undesirable jog in the road.
3. Is the requested variance substantial? Yes 3 No 1
- Six foot from each lot front does not seem to be too much.
 - Not substantial.
 - Proposed lots are already too small for the existing neighborhood. Making them even smaller, makes the problem even worse.
 - Less than 5% still leaves a lot size above what is required.
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes 2 No 1 Possible 1
- The neighbors have indicated the smaller lot size will encourage smaller homes, thus diminishing their value.
 - It would make the lots smaller creating the need to build smaller homes.
 - Should not affect ability to build a good size home.
5. Is the alleged difficulty self-created? Yes 2 No 2
- The proposed lots are too small to start. Simply redesign the lots to reflect the character of the existing neighborhood.

C.E.O. R. Maxwell responded to a question as to why the whole development was done in phases rather than all at once, noting that once individual lots are subdivided from the original parcel and are filed with the county, they become individually taxable and the tax cost is much higher.

R. Meyers said the problem was self-created due to the proposed lot sizes. These lots seem “postage stamp” size compared to existing lots and houses and would drive down the resale value of these homes. C. Meisel replied the smaller lots are allowable by law as they meet the

zoning code requirements. The Planning Board can not make the owner enlarge the lots. R. Ayling agreed the owner would most likely be reluctant to do so. It would reduce the number of saleable lots and return on his investment.

M. Pastizzo remarked the problem was self-created because Geneseo Land Corporation can develop the future area however they want. Why decide to make the lots one-hundred twenty-five (125') feet deeper than the original plans –this was presumably desired by most people when the zoning revision took place. Six (6') feet out of one-hundred nineteen (119') feet is about five (5%) percent. This all costs money and people have no say where a builder will place the houses.

C. Meisel inquired what date was on the plan being shown and R. Ayling replied it was dated February 03, 2014 and was the same one reviewed by the planning board at the February 26th meeting.

J. Sorge asked if J. Frazier had been shown an alternate plan showing a gradual curve versus the jog anticipated if the variance was denied. R. Maxwell replied he was not sure and was only reporting his conversation with J. Frazier. They had not discussed a curve. The water and sewer lines usually run along the roadway and the Village has already dedicated the small paved stub area of Dorchester Drive. The Village does not want the water line to be dead ended as that causes problems with stagnant water and so forth. R. Ayling noted it also becomes a problem for fire protection and property protection as well.

C. E. O. R. Maxwell stated the Planning Board would not go forward with Phase II and give their approval until the rest of the project came into compliance with current Zoning regulations. M. Hamilton asked where the proposed road running through what was the former cul-de-sac in the upper north-west quadrant of the property would go. At this point it dead ends but could eventually be continued by getting a right- of – way out from the current property owner to Route 39.

M. Hamilton asked the size of lots already built upon and R. Ayling said they are approximately twelve hundred (1200) square feet or a quarter (1/4) acre for the smaller lots. R. Maxwell noted a lot must currently be fifty (50') feet by one-hundred twenty-five (125') feet. The old code required seventy-five (75') feet in width and twelve hundred (1200) square feet of area but did not give a depth. The revised code number works out to the same twelve hundred (1200) square feet.

M. Hamilton noted the letter from the Calabreses commented a thirty (30') foot rear yard set back would create problem for fire fighters to get trucks behind the structures. R. Maxwell said the fire department no longer takes trucks off paved surfaces as newer equipment is too large to be driven on unimproved surfaces. This is why commercial buildings of a certain size must now have “drive arounds”. Fire fighters will drag lines instead. It is six hundred (600') feet between hydrants in most developments.

M. Pastizzo suggested a roadway could be rerouted to go directly behind Steeplechase. R. Maxwell did not believe J. Frazier would be in favor of a sharp ninety degree turn. C. Vittelo stated she would not be in favor of a road running directly behind her home either. The future development phase is not yet set. There should be another way than the small lots shown. He felt

the developer was getting greedy and trying to squeeze in many more lots. M. Hamilton asked how many lots were in the original plans and how many were in the map provided tonight. R. Ayling said the original proposal had seventy-two (72) and the new version had seventy-six (76) but these were created as a result of changing the cul-de-sac to a roadway as per the Planning Board's request. M. Hamilton noted townhouses would be substantially smaller. R. Maxwell stated they are no longer allowed due to the code revision. R. Ayling said the intent of the project was to be similar to the rest of the community. He will take the comments he heard tonight back to the owner and developer. R. Maxwell reiterated Chair D. Woods would like to get the whole development approved.

M. Hamilton would like to see any home plans with sliding doors on the lots under consideration to include the deck; this would eliminate any problems such as those encountered previously. R. Maxwell said this can not be done as it is not required in the code- only steps are necessary or to have a bar across the door so that it cannot be used except in an emergency. As far as the Penny Saver ad, he talked with the realtor and told them they should not advertise until the development has been approved.

A. Bonnell would like to have the plans approved also so that the current homeowners know what to expect. He would not like to see the plans change again after Phase II is approved. He would prefer the cul-de-sac to a dead end street to "no where". He does not see how this street can connect to anything. J. Sorge thought the Conservancy backed to it and it might be a way to access a walking trail but did not see why they would want to let a roadway come through the property.

T. Wilson commented if the variance was not approved, there would need to be a jog in the road and the first lot could not be built on even with the jog as it would not meet code. He reminded everyone that J. Frazier would prefer to have the road left as is. M. Hamilton said the first lot could be given to the Village and become green space to replace the lost green space. R. Maxwell reminded everyone the Planning Board can not approve anything that does not meet current zoning.

M. Pastizzo remarked this meant the variance would need to be given based on an unapproved plan that had not been reviewed or discussed. M. Hamilton asked why the Planning Board was not looking at the "future phase" at the same time as Phase II. She noted the Zoning Board has the option of sending it back to the Planning Board. R. Ayling noted T. W. Lin International would like to proceed with a plan for this land and come up with a proposal for the "Future Phase" that meets with the goals of the Village's Master Plan. They need the future phase discussed and zoning met to finish meetings with the Planning Board.

M. Pastizzo stated times have changed and the original developer should have gotten the development built and filed the approval before the zoning changed. Other options are now available and should be considered. R. Ayling noted his firm is trying to reconcile the project with the current zoning. R. Meyers asked if the plan under discussion was the same as the original. The answer was that the original contained compact homes, townhouses, and

multifamily homes for a total of seventy-two lots or units. There would be common walls between the townhouses.

S. Bonnell said the number of lots may not have increased much but the green space is now missing and the space is taken up in a much different manner. R. Maxwell addressed her concern and noted the green space is still there but has been spread out throughout the individual lots. It is just not communal property owned through the home owner's association. S. Vitello stated the green space was "sold" to them as one of the features when they purchased their home and it could go back in if the plans were revised. It all comes back to the owner's integrity. C. Meisel noted the zoning had been changed to reflect changing community values and what the public indicated it wanted.

T. Wilson moved to approve the variance. There was not second and the motion failed.

R. Meyers moved to deny the application for relief from the minimum allowed lot depth of one-hundred (125') feet per Bulk and Use Table 130-131 of the Village of Geneseo Zoning Code where a six (6') foot variance is sought for lots #51-56 on Dorchester Lane in the Cedarwood Estates Development, Tax Map Id. #81.5-1-74.421. M. Hamilton seconded the motion. The vote was as follows: Chair C. Meisel – nay; M. Hamilton – aye; R. Meyers – aye; and T. Wilson – nay. The vote was tied at two-two and the motion failed. The request was denied.

The public and R. Ayling exited the meeting and public hearing at 6:14 p.m.

The December 03, 2013 Nesbitt minutes were reviewed. M. Hamilton moved to accept them as presented. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel – aye; M. Hamilton – aye; R. Meyers- aye; and T. Wilson – aye. The motion carried.

M. Hamilton moved to close the public hearing and meeting at 6: 20 p.m. R. Meyers seconded the motion. All were in favor and the public hearing and meeting closed.

Debra Lund, Secretary