

I.B. Realty, President T. Basher
88 Main Street
Tax Map ID #: 80.12-2-1
November 05, 2014; 4:30 p.m.

Present:

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

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Applicant:

Thomas Basher, President

Public Present:

Todd Cole, co-owner
T. Adonnino, co-owner

Chair C. Meisel opened the meeting and public hearing at 4:30 p.m. Board members were introduced. Legal notice was published in the Livingston County News and eight notices were sent to property owners within one-hundred (100') feet of the boundaries; eight green cards were returned. Livingston County Planning Board was notified and returned a response stating it was "determined the application had no significant Countywide or inter-municipal impact in regard to existing County plans, programs, or activities. Therefore, approval or disapproval of the application is a matter of local option." The applicant is requesting relief from the side yard setback where the property fails to meet the side yard set back of ten (10') feet per 130-133 of the Bulk & Use Table for MU-1, Mixed-use District of the Code of the Village of Geneseo, a six and one-half (6 ½') foot variance is being sought. C. Meisel invited T. Basher to state his case.

T. Basher said he is ready to retire and is no longer interested in running the In-Between. He and his partners would like to turn the building into four apartments. As apartments, the property does not meet side yard setbacks but is an allowed use. He would like a six and one-half (6 ½') foot variance so that he may turn the building into apartment units.

Chair C. Meisel noted that when the structure was built it was a barn and there were no side yard set backs for it.

T. Cole, a partner, said the side they are asking for a variance for backs against a parking lot and not against other buildings.

T. Wilson asked if an outside stairwell would be added. T. Cole said they planned on tearing off the existing stairway and not replacing it.

C. Meisel asked if the foot print of the building would change and T. Basher said it would remain as is.

R. Meyers asked why I. B. Realty Inc. had to come before the Board if an apartment building was an allowed use. C. E. O. Maxwell responded that while it is an allowed use, the bar was not subject to the same setbacks as an apartment building. He had spoken with Attorney T. Reynolds who advised him that it would be necessary for T. Basher to seek a variance before proceeding with his plans. Apartments require a ten (10') foot setback and the new building will have ninety (90%) percent lot coverage.

M. Hamilton noted she had heard rumors the building would become a sorority house. T. Basher stated his intent is to make the building into four separate apartment units. R. Maxwell said the building could not be rented as a sorority house as different rules would apply but that would not stop the sorority members from renting the apartments as individuals.

P. Schmied asked about fire issues and if the structure would meet fire code. C. E. O. R. Maxwell responded the walls are brick (block) and as such have a two (2hr.) hour fire rating. This meets New York Fire Code for the location of the structure. Up to twenty-five (25%) percent of the wall could be glass as long as the wall is three (3') feet from the property line.

Chair C. Meisel asked what the finished structure would look like. T. Basher replied the outside will remain the same except for the addition of a few windows. They would like to keep the barn like look.

R. Meyers asked if there would be enough parking. R. Maxwell said the code only requires one parking space per unit. T. Basher stated there are over twenty (20) parking spaces there now. R. Maxwell commented he has already been in contact with the design pros as they wish to make sure everything meets code.

With no further discussion, the required 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
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 _____

The Board is only required to note 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 relief from the side yard setback where the property fails to meet the side yard set back of ten (10') feet per 130-133 of the Bulk & Use Table for MU-1, Mixed – Use District of the Code of the Village of Geneseo. A six and one-half (6 ½') foot variance is granted for property located at 88 Main Street, Tax Map Id. # 80.12-2-1. P. Schmied 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.

T. Basher and associates thanked the Board and exited the meeting. T. Wilson moved to close the public hearing and M. Hamilton seconded the motion. All were in favor and the public hearing closed at 4:45 p.m.

Debra Lund
Secretary