

Doris Bailor  
Represented by A B Cole Real Estate Inc.  
72 East South Street  
Tax Id #: 81.13-2-31  
November 05, 2014; 4:50 p.m.

Present:

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

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Applicant:

Lisa Wybron, Selling Agent  
Pat Cole,

Public Present:

Jeremy & Michelle Lee

After closing the I. B. Realty public hearing, the November 5<sup>th</sup> meeting continued. The October 07, 2014 Sign Language representing G. O'Connell minutes were reviewed. P. Schmied moved to accept the minutes 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, abstained due to absence. The motion passed.

The Zoning Board Calendar for 2015 was presented for review. M. Hamilton moved to accept the calendar as presented with a second from R. Meyers. All were in favor and the motion passed.

Chair C. Meisel opened the public hearing for A B Cole Real Estate Inc. representing D. Bailor at 4:50 p.m. Board members were introduced. Legal notice was published in the Livingston County News and five notices were sent to property owners within one-hundred (100') feet of the boundary lines; five 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 Short Environmental Assessment Form was submitted for review. The applicant is seeking a change of use when office use is not allowed in an R-1 Residential District per the 130-130 Bulk & Use Table of the Code of the Village of Geneseo on property located at 72 East South Street, Tax Map ID# 81.13-2-31.

P. Cole stated she is representing her client, D. Bailor who would like a change of use for the property. She feels it is a hardship case. D. Bailor is an older lady who is no longer comfortable acting as a landlord and who is having difficulty renting the house. Mrs. Bailor was having a hard time getting a reasonable return on her investment as rental property. The rent no longer outweighs the bills (see presented documentation). The current tenant has given notice and she has not been able to find another tenant (letter attached).

A B Cole Real Estate Inc. had listed the property on October 5<sup>th</sup> with three riders: For Sale, Commercial /Mixed Use, and agent L. Wybron's contact number. L. Wybron, the listing agent, said the Commercial/Mixed Use was removed from the listing within a few days once they realized the ad was in error. The MLS listing showed the property as a single family residence when the listing went up on October 6th. There have been no offers as a single family home but four offers came in within days of the listing looking for office space. There were also several phone calls, all looking for commercial mixed-use space. One offer came in within twenty-four hours of the ad being posted. The home was

shown four times, all to businesses; one showing on Monday, two on Tuesday, and one on Wednesday. Three offers were considered during a conference call with Mrs. Bailor's daughter, Mrs. Bailor and the real estate office. The first offer from Lee Chiropractic and Athletic Training, PLLC was chosen.

Chair C. Meisel asked the public present to present their views. W. Mahood had concerns about increased traffic being generated in the vicinity of Haley Avenue. The area already is very congested on Route 20A. He stated it is difficult to enter & exit Haley Avenue now and fears a business would add a further hazard to the situation. B. Mahood would like parking re-arranged on the property if sold as a business. As a single family dwelling, vehicles are often parked in such a manner that it is difficult to see around them when trying to enter Route 20A from Haley Avenue.

P. Cole said she did not think this would be an issue. The businesses interested in purchasing the property were all small offices and would not have more than one or two cars there at any given time. Lee Chiropractic in particular would rarely have more than a couple of vehicles there at one time due to the nature of his business. It would not significantly increase traffic. B. Mahood suggested the parking area might be moved to the side of the building. The church on the corner of Haley Avenue and East South Street has parking along East South Street and trees between their property and 72 East South Street. She suggested the Church might be willing to let the new owners enter and exit through their property. It was noted the church is private property and would have no obligation to do so and might not wish to for liability reasons.

M. Hamilton asked how deep the lot was and wondered if there would be room for vehicles to park in the back of the building. The tax roll shows the lot dimensions of one-hundred seventy-one (171.00') feet wide and ninety-three (93.00') feet deep. There may not be room enough for a parking area behind the building. R. Maxwell said the setback for that area is ten (10') feet. The size of the lot would indicate a low traffic volume; New York State regulations say they must be allowed a drive to enter and exit the property. P. Cole said J. Lee intended to have a parking area, not to use the pull-off area currently being used; this would allow for better visibility for those exiting from Haley Avenue. R. Meyers wondered if the pull-off had been created during the renovation of the building after the recent fire. R. Maxwell stated he believed that to be the case.

P. Schmied asked how many handicap spaces are required and R. Maxwell answered only one is required. J. Lee said many of his patients are handicapped. He had intended to have access for them near the front door and would most likely install a ramp as well. He felt he would probably need two handicap spaces. R. Maxwell noted that would be something he would be discussing with the Planning Board. Any changes to the building would also be the purview of the Planning Board.

R. Meyers asked the square footage of the building. It is eight hundred sixty-eight (868') feet. M. Hamilton said she would like to see lawn out front, currently it is parking space.

With no further discussion the questions required by the state for a use variance were reviewed.

1. Are you, as the applicant, deprived of all economic use or benefit from the property if used for any of the allowed uses in the district? Yes  X  No \_\_\_\_\_.  
The applicant has submitted financials to indicate the rent will no longer cover the expenses for the property. The property was advertised as a single-family residence and did not have any offers for the property to be used as such. The only offers received were commercial for use as a small business.
2. Is the property being affected by unique or highly uncommon circumstances? Yes  X  No \_\_\_\_\_. It appears to be an oversight in the Zoning Code as all other businesses on E. South Street in that area are commercial. The area to either side of the property is a mixed-use district.
3. Will the variance, if granted, alter the essential character of the neighborhood? Yes \_\_\_\_ No  X . The other properties in the area are of a commercial nature. W. Mahood, a neighbor from

the area behind the property, did not see the variance changing the essential character of the neighborhood if granted.

4. Is the hardship self-created? Yes \_\_\_\_ No X. It appears to be an oversight in the revised Zoning for the area. The business would have been allowed in the previous Code as it was in an RPSO (Residential, Professional Service, Office) district; the change left this one property on the south side of East South Street as Residential while surrounding properties were listed as Mixed Use.

The Short Environmental Assessment Form was reviewed and a negative declaration was determined. R. Maxwell stated he had contacted H. Ferraro, Livingston County Planning, who advised a change in use of the property would not be considered spot zoning as the property around it is already commercial in nature and therefore it would match the landscape around it.

T. Wilson asked if the Board could request any future owners to come before the Board for proposed use approval. C.E. O. R. Maxwell said the Board could grant use as an office with parking in front as long as setbacks are met and that future buyers must come back to the Board. Chair C. Meisel reminded the Board, the request specifically asked for use as an office so a future business would only need to come before the Board if they wanted to use the building for another type of business.

R. Meyers moved to grant a change of use when office use is not allowed in an R-1 Residential District per the 130-130 Bulk & Use Table of the Code of the Village of Geneseo for property located at 72 East South Street, Tax Id# 81.13-2-31. 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.

P. Schmied moved to close the public hearing at 5:53 p.m. 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.

R. Maxwell reminded everyone, the next step would be to go before the Planning Board for site plan approval. A B Cole Real Estate representatives and Lee Chiropractic representatives thanked the board and exited the meeting.

M. Hamilton moved to close the meeting. T. Wilson seconded the motion; all were in favor and the meeting closed at 5:30 p.m.

Debra Lund  
Secretary

October 15, 2014

Village of Geneseo  
Main Street  
Geneseo, N.Y. 14454

Doris E. Bailor  
P.O. Box 393  
Geneseo, N.Y. 14454

Re: 72 E. South St.  
Geneseo, N.Y. 14454

Dear Officers,

I'm the owner at the above property. I rent it for \$700. monthly when it is rented. My expenses (with taxes and etc), I find it is a financial burden for me.

I would like you to consider to be zoned as multiple use.

Sincerely,  
Doris E. Bailor,  
owner