

O'Donnell & Associates, Representing Teri Thielges
3 South Street
Tax Id. # 80.16-1-49
January 06, 2015; 4:30 p.m.

Present:

Carolyn Meisel, Chair
Marlene Hamilton
Robert Meyers
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Absent:

Paul Schmied

Applicant:

Joseph O'Donnell, O'Donnell & Assoc.
Representing Teri Thielges, Owner

Public Present:

Jason Thielges
William Wadsworth

Chair C. Meisel opened the meeting and public hearing at 4:30 p.m. Board members were introduced. Proper legal notices were published, Livingston County Planning Board was notified and five certified receipt requested letters were sent to property owners within one hundred (100') feet of the property lines, four green cards were returned. Mary Underwood, Planning Assistant -Livingston County Planning Office, acknowledged receipt of the notification but noted the County Planning Board will not meet until January 8, 2015 and will not be able to give their recommendations until after that date. Chair C. Meisel stated the applicant had come before the Board seeking permission to erect a three apartment unit building that fails to meet both side yard (ten feet) setbacks; rear yard (thirty feet) setback; and the property fails to meet the seventy-five (75') foot minimum lot width, in an MU-1 mixed use district per 130-133 Bulk & Use Table of the Code of the Village of Geneseo.

The applicant was asked to state his case. J. O'Donnell gave each board member an enlarged drawing of the originally presented drawings to review. A three apartment building was proposed for the area currently occupied by mini storage buildings. The building will face the back of the liquor store and the apartment parking lot; the back will face the Athletica building and parking lot. A patio area for each apartment is proposed for the back side, enclosed with a privacy fence. Each first floor features the common area with the private areas on the second floor. The intent was to keep the row house look of the Main Street business district.

J. O'Connell said they wanted to keep the whole property in compliance and will have parking for the liquor store, the apartment above it along the liquor store building, and adequate parking for the proposed apartments. He was confident the project would enhance the area and would allow T. Thielges a better monetary return on her property. There is currently too much competition for mini storage; the living units will produce a more residential feel to the area. There are other solutions than building an apartment building to replace the mini storage but this solution presents the best return on T. Thielges's investment.

J. O'Connell had tried several alternative layouts for the building but the one proposed fits the lot best. Windows were placed only on the end walls of the apartments to adhere to the New York State Fire Code and ratings. C. E. O. Maxwell commented there only needs to be five (5') feet from the property line if there is a blank wall with no openings and this representation fills that requirement.

The proposed project should not have an adverse effect on the neighboring community as it is primarily commercial in nature and in fact, should enhance the area. While it will not increase the green

space, it will not be detrimental either. While the request for variance is self-created, the benefit to the community and the owner should be considered as contributing factors.

Side yard setbacks would be needed to construct the building. The back yard setback was sought to allow for small patios that would enhance the appearance of the whole area. As it backs to a parking lot, this creates a more pleasant view than the back side of the mini storage.

R. Meyers asked what the total square footage of the area would be. J. O'Connell responded it would be in the twelve hundred (1200) square foot range, approximately five hundred seventy-six (576) square feet on the first floor and six hundred eight (608) square foot range as the second floor is cantilevered at the back. The footprint of the whole building would be approximately thirty eight hundred forty (3840) square feet as the building has been narrowed from the original proposal.

R. Meyers asked if the fence along the east side would be left or taken down. J. O'Connell said there is a small retaining wall along part of the east side. They would like to put in some landscaping but did not believe it would live.

T. Wilson inquired as to whether the rest of the existing fencing would be replaced, and if so, what would replace it. T. Thielges would like to have a stone wall for part of it in keeping with the stone wall across the street and put up a colonial type of fence for the rest of it, in keeping with the period look of the historical district. They plan to provide the Planning Board with more in depth information on this. T. Wilson asked if the architecture of the back of the building would match the front. J. O'Connell said the front features a dormer style roofline that was not included on the rear of the building. The first floor rear will have double doors out to the patio area and the front has a typical entry door as the kitchen is on the front wall. There are windows on both the front and back of the upstairs with no side windows on either level.

Chair C. Meisel asked if the public would care to speak. W. Wadsworth, Town Supervisor and neighbor, stated he was very much in favor of the project. It would improve the appearance of the property; the area gets quite a bit of traffic as the post office is nearby. The planning for this zone encourages a higher population density that the project supports and the apartment buildings increase the tax value of the property. The Thielges have been great neighbors since joining the community and he sees the project as favorable for all.

T. Thielges said although R. Cofield, owner of the Athletica property, did not attend the meeting, she had spoken with him and he had no objections to the project going forward.

M. Hamilton asked what egresses were designed into the building. Her concern was access in case of fire and how trucks and responders would be able to reach the building. C. Meisel asked if there would be a gate in the fence to allow firefighters access. While the fence will enclose the property, there will be a gate.

R. Meyers asked if the fence could be removed entering the apartment parking area. That was doubtful as the bank has parking on one side and Athletica has parking on the north side. The fire department would not be able to get past any parked cars.

Chair C. Meisel noted one Board Member; P. Schmied, asked via email as he was unable to attend the meeting, if R. Meyers should recuse himself from the vote as he was a former owner of the property. She asked R. Meyers to please respond. R. Meyers stated he had not been involved with the liquor store or the property since the 1980s when he sold his share to the then co-owner, M. Thielges, T. Thielges's former husband. M. Thielges and he originally intended to put retail space in where the mini-storage currently is located. They could not get Planning Board approval so opted to go with mini-storage, a popular option at that time. He felt he could be objective as he has had nothing to do with the store since then and it has been well over twenty-five (25) years.

W. Wadsworth exited the meeting at 4:45 p.m.

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?
 - a. Side Yard Setback: Yes _____ No X
 - b. Back Yard Setback: Yes _____ No X
 - c. Relief from Lot Width: Yes _____ No X
2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance?
3.
 - a. Side Yard Setback: Yes _____ No X
 - b. Back Yard Setback: Yes _____ No X
 - c. Relief from Lot Width: Yes _____ No X On the parking lot, no encroachment.
4. Is the requested variance substantial?
 - a. Side Yard Setback: Yes _____ No X
 - b. Back Yard Setback: Yes _____ No X
 - c. Relief from Lot Width: Yes _____ No X
5. Is the alleged difficulty self – created?
 - a. Side Yard Setback: Yes X No _____
 - b. Back Yard Setback: Yes X No _____
 - c. Relief from Lot Width: Yes X No _____

It was noted 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.

M. Hamilton moved to approve the request for permission to erect a three apartment unit building that fails to meet both side yard (ten feet) setbacks; rear yard (thirty feet) setback; and the property fails to meet the seventy-five (75') foot minimum lot width, in an MU-1 mixed use district per 130-133 Bulk & Use Table of the Code of the Village of Geneseo; a four foot, two inch (4'2") side yard setback for each side and a nineteen foot (19') rear yard setback variance is granted; and ten (10') feet relief from the lot width. The variances are granted contingent on County Planning recommendations to the Village Planning Board; the request will be reviewed at the January 08, 2015 Livingston County Planning Board meeting. R. Meyers 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 with a unanimous vote.

M. Hamilton moved to close the public hearing; R. Meyers 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. The public hearing closed at 4:55 p.m. The Thielges and J. O'Connell thanked the Board and exited the meeting. The meeting continued with a public hearing for B & B Consolidated, representing T. Everett.

Debra Lund