

Village of Geneseo
Zoning board of Appeals
O'Donnell Associates representing Teri Thielges
3 South Street
Tax Map Id. #: 80.16-1-49
March 03, 2015; 4:30 p.m.

Present:

Carolyn Meisel, Chair
Robert Meyers
Thomas Wilson

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Absent:

Marlene Hamilton
Paul Schmied

Applicant:

Teri Thielges, Owner

Public Present:

Jeremy & Michelle Lee,
Lee Chiropractic & Athletic Training, PLLC

Chair C. Meisel opened the meeting and the public hearing at 4:30 p.m. The purpose of the public hearing was a request for relief from Section 130-60, D.: each multifamily dwelling development shall provide a recreation area or areas furnished with suitable equipment at a standard of one-hundred (100) square feet for each dwelling unit, with a minimum of sixteen hundred (1,600) square feet per area, relief from the sixteen (1,600) square feet per area is sought as the plans include a standard one-hundred (100) square feet for each dwelling unit; and relief from Section 130-76A stating a parking area must have a ten (10') foot side yard setback, a four foot two inch (4'2") variance is being sought. Livingston County Planning Board has been notified and responded it was determined that the requested variances had no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is up to the local Zoning Board. The legal notice was published and five notices were sent to property owners within one-hundred (100') feet of the property lines; five certified return receipt green cards were returned. Chair C. Meisel asked T. Thielges to state her case.

T. Thielges apologized for Joseph O'Donnell, O'Donnell Associates absence as he was delayed due to the weather. The proposed green space for each unit was measured and found to be fifteen (15') feet by ten (10') feet, one-hundred fifty (150) square feet not the one-hundred (100) square feet she originally proposed.

C. Meisel asked C.E. O. R. Maxwell if the sixteen hundred (1600) square feet required by Code was a general amount for any project. He noted it was written with large apartment complexes in mind to give children a play area but the one-hundred (100) square feet per unit makes sense for a smaller project.

T. Wilson asked R. Maxwell if the side yard set back applied to the east side of the property where the driveway is located. He replied the setback is needed for the parking spaces but not required along the driveway.

T. Thielges said there currently are dumpsters at the gas station and she would like to put up a fence for privacy as it is unsightly. She would be able to add two more parking spaces. R. Maxwell said there was no zoning when the property was originally developed. Many of these issues are arising because the property is pre-existing. If it were a newer lot more regulations would apply.

C. Meisel noted the requested parking area side yard setback is the same as was granted for the buildings at the January 6, 2015 public hearing. She said the Mayor and Village Board of Trustees had sent a letter expressing concern over granting multiple variances to a property. (See attached copy.) As the variances for this property have already been ruled on and granted, she felt this was something the Board should keep in mind for future requests. C. Meisel stated she had spoken to Deputy Mayor S. Brennan prior to the January 6th public hearing and Deputy Mayor S. Brennan did not state any objections to the project at that time. She spoke with D. Woods, Village Planning Board chair as well.

T. Wilson did not see a problem with granting the parking area variance as it would reflect the same side yard setback variance granted for the rest of the project. The recreation area variance was the only thing not addressed previously.

C. Meisel asked if there was consensus that the side yard set back seemed to be a repeat of the originally granted side yard set back and the other board members were in agreement that it was.

R. Meyers commented only one-hundred (100) square feet are needed per dwelling unit per code and T. Thielges has planned one-hundred fifty (150') feet per unit. Sixteen hundred (1600) square feet seems excessive when the size of the project is considered. T. Wilson believed the sixteen hundred (1600) square feet was meant to apply to much larger projects and did not seem to apply to something as small as this project.

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

It agrees with the side yard setback granted at the January 6th meeting. The sixteen (1600) hundred square feet seems to apply to a larger project.

3. Is the requested variance substantial? Yes _____ No X
One-hundred (100) square feet is required per unit and one-hundred fifty (150) square feet is being provided per unit.
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 _____

It was noted this is an area variance and a type two action that does not require a SEQR. It was so noted that the proposed action has been considered under SEQR; per regulation #13 – granting of an area variance(s) for a single-family, two-family or three-family residence are not subject to review under SEQR, and has met the requirements for a Type II action: the proposed action is not environmentally significant.

T. Wilson moved to approve the request for relief from Section 130-60, D.: each multifamily dwelling development shall provide a recreation area or areas furnished with suitable equipment at a standard of one-hundred (100) square feet for each dwelling unit, with a minimum of sixteen hundred (1,600) square feet per area, relief from the sixteen (1,600) square feet per area is sought as the plans include a standard one-hundred (100) square feet for each dwelling unit; and relief from Section 130-76A stating a parking area must have a ten (10') foot side yard setback, a four foot two inch (4'2") variance is granted. R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, aye; R. Meyers, aye; and T. Wilson, aye. The motion carried.

T. Thielges thanked the Board and exited the meeting at 4:46 p.m.

Approved: 06-02-2015

R. Meyers moved to close the public hearing portion of the meeting. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; R. Meyers, aye; and T. Wilson, aye. The motion carried and the public hearing closed at 4:47 p.m.

Debra Lund

(Please see attached page for Village Board of Trustees letter.)

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CHIEF OF POLICE

March 2, 2015

Dear Carolyn,

The Village Board has expressed concern about the potential impact on the Village as a whole in instances when several variances are required in order for a proposed project to be approved.

While the role of the Zoning Board of Appeals is to consider granting relief from hardships or unusual/unanticipated circumstances, we consider the Code itself as the official aggregation of minimum standards that was adopted only after extensive deliberation and a prolonged vetting period.

Minimum lot sizes, building set-backs from property boundaries, parking space sizes and open space requirements for dwelling units have been incorporated into the Code in order to limit population density and prevent overcrowding of land. If a proposed project cannot meet these well-thought-out criteria, perhaps that project as envisioned does not belong on that particular parcel.

Related to this concern is the concern that granting a variance for one project frequently has had a ripple effect. As you know all too well, once a variance has been granted to one applicant, other applicants have sought the same relief. Permitting one project to be 'shoe-horned' into a sub-standard lot essentially opens the door for other developers to follow suit.

As elected officials, we would like to reaffirm our commitment to the standards established in the Village Code, adopted in order to promulgate our long term goals (one being to limit the spread of rental housing), and preserve the public health, safety and general welfare of the residents of Geneseo.

Thank you and the other members of the Zoning Board of Appeals for all that you have done to preserve the inherent character of our charming, historic Village.

Sincerely,

A handwritten signature in red ink that reads "Dick".

Richard B. Hatheway (On behalf of the Board of Trustees)