

Village of Geneseo
Zoning Board of Appeals
Lee Chiropractic & Athletic Training, PLLC
72 East South Street
Tax Id #: 81.13-2-31
June 02, 2015; 4:30 p.m.

Present:

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

Code Enforcement Officer:

Ronald Maxwell

Secretary:

Debra Lund

Public Present:

John Bennett
David Ruskauff

Applicant:

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

Chair C. Meisel opened the meeting and the public hearing at 4:30 pm. Lee Chiropractic minutes of March 3, 2015 were reviewed. T. Wilson moved to approve the minutes as presented; R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, aye; R. Meyers, aye; and T. Wilson, aye. M. Hamilton and P. Schmied abstained due to absence from meeting. The motion carried. The O'Donnell Associates representing Teri Thielges minutes of March 03, 2015 were reviewed. R. Meyers moved to approve the minutes as presented. T. Wilson seconded the motion. The vote was as follows: Chair C. Meisel, aye; R. Meyers, aye; and T. Wilson, aye. M. Hamilton and P. Schmied abstained due to absence from meeting. The motion carried.

Chair C. Meisel stated she had received a letter from SUNY Geneseo informing the Board of Federal Communications Commission, Washington DC 20554 has filed an Informal Notice of Section 106 Filings regarding an antenna that has been put up. It is informational only, no action is necessary on the Board's part.

Chair C. Meisel stated she had received notification from Livingston County Planning Department noting they are establishing themselves as lead agency for the State Environmental Quality Review (SEQR) Act and 6 NYCRR 617.6 on the Millennium Drive Roadway Extension Project, Geneseo, NY. A letter will be sent stating the Village of Geneseo Zoning Board of Appeals is pleased to acknowledge the Livingston County Planning Department as lead agency for the project in question.

Board members were introduced. Livingston County Planning was notified and sent a letter stating the application has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter for the Village Zoning Board of Appeals. Five legal notices were mailed to property owners within one-hundred (100') feet of the property line and five green cards returned; proper legal notices were published.

The purpose of the hearing is a request for relief for: 1) a front yard setback of 11'10" where Section 130-76A states no part of any parking area shall be closer to a street or lot line than the minimum setback required for a principle building in the relevant district; 2) an 11'8" side yard setback where the set back fails to meet the 15' minimum setback and 3) for 32.4% lot coverage where the maximum allowable lot coverage is 30% per Bulk & Use Table 130-130 (R-1) of the Code of the Village of Geneseo.

J. Lee said the business would like to put on an addition and therefore additional parking space is needed as well. The addition would be a room to show patients various styles of exercises they can do at home. The drawing shows the best location for the parking is near the addition; many of the patients are handicapped and need easy accessibility.

C. E. O. R. Maxwell said the side yard variance needed was three (3') feet as the lot line would be twelve (12') feet not fifteen (15') feet from the parking space if granted.

C. Meisel asked R. Maxwell if the reason for the denial was that the lot is in an R-1 district not a commercial or mixed -use district. R. Maxwell stated that was so as the rules for the R-1 district must be followed even though the property is surrounded by other commercial ventures in an R-2 District and not by residential homes.

T. Wilson asked if the line of sight would be blocked for people pulling out of Haley Avenue. J. Lee answered that Haley Avenue actually comes out quite a ways beyond his property. It will not be a problem. He further noted the neighbors he has spoken with are in favor of his being open in that location. It was noted no immediate neighbors were in attendance or had contacted the Board.

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
If zoned commercial no variance would be needed.
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 _____

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, and has met the requirements for a Type II action: the proposed action is not environmentally significant.

P. Schmied noted the first variance for a front yard setback would not be needed if the property were in the Mixed-Use (R-2) district as are all the properties surrounding this one on Route 20A. This property appears to have been overlooked in the last zoning update. The lot should have been zoned commercial originally but the Board does not have the authority to rezone it, therefore the variances are necessary. He feels the variances do not create a difference in the neighborhood as the property is surrounded by other commercial ventures and not residential in nature. For these reasons, he is in favor of granting the variance. R. Maxwell agreed that were the business in an R-2 district, the variances would not be necessary and this is the only property zoned residential along that section of Route 20A.

T. Wilson moved to approve the request for 1) a front yard setback of 11'10" where Section 130-76A states no part of any parking area shall be closer to a street or lot line than the minimum setback required for a principle building in the relevant district; 2) an 11'8" side yard setback where the setback fails to meet the 15' minimum setback and 3) for 32.4% lot coverage where the maximum allowable lot coverage is 30% per Bulk and Use Table 130-130 (R-1) of the Code of the Village of Geneseo. P. Schmied seconded the motion. The vote was as follows: Chair C. Meisel, aye; M. Hamilton, aye; R. Meyers; P. Schmied, aye; and T. Wilson, aye. The motion carried.

J. Lee thanked the Board and exited the meeting.

P. Schmied moved to close the public Hearing at 4:55 p.m. M. Hamilton seconded the motion. All were in favor and the public hearing closed.

Debra Lund
Secretary