Approved: 03/01/2016

Village of Geneseo
Zoning Board of Appeals
Applicant: Richard Hilimire
Property Address: 196 Lima Road
Tax map Id. #: 81.9-2-39.113
January 05, 2016; 4:30 p.m.

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

Public Present:
None

Code Enforcement Officer:
Ronald Maxwell

Secretary:
Debra Lund

Applicant:
Richard Hilimire

Chair C. Meisel opened the public hearing and meeting at 4:30 p.m. Board members were introduced. It was noted proper notification had been published. The purpose of the public hearing was an application for a twenty-five (25') foot rear yard setback for each parcel of a possible subdivision of two parcels, each parcel to have a depth of one-hundred (100') feet when a lot depth of one-hundred twenty-five (125') feet is required per Bulk & Use Table R-2 Residential District per the Code of the Village of Geneseo. Eleven legal notices were mailed to property owner within one-hundred (100') feet of the property lines via certified return receipt requested and six green cards were returned. Chair C. Meisel asked the applicant to state his case.

R. Hilimire said the property on the corner of Lima Road and Ivy Lane has a house and the lot is almost one-half (1/2) acre in size. His son would like to build a house facing Ivy Lane on the back half of the property if he can subdivide the lot. The curb cut should not present a problem and there is water and sewer available. Originally, he was told the lot could not be subdivided because of the lot size but Village Code changes have allowed for smaller lot sizes – it would have been a non-conforming lot if divided under the older version of the code.

M. Hamilton asked what the lot depth is. The current lot is two-hundred (200') feet by one-hundred (100') feet and the current code states it must have one-hundred twenty-five (125') feet of lot depth. He would like to ask for a twenty-five (25') foot variance for a lot depth on each lot of one-hundred (100') feet.

T. Wilson asked what the lot sizes would be. R. Hilimire said the lots meet the square footage requirement of seventy-five hundred (7500) square feet. One lot would be ten thousand nine-hundred (10,900) square feet and the other would be nine-thousand one-hundred (9,100) square feet. R. Hilimire would still owns the house on Lima Road and the lot would be approximately one-quarter (1/4) acre. C. Meisel commented the lot sizes were not in question. It was the creation of two non-conforming lots if the variance is granted.

T. Wilson asked if all of the Woodbine Development lots were one-hundred twenty-five (125') feet by one-hundred (100') feet. C. E. O. R. Maxwell said the average lot size was seventy-five hundred (7500) square feet on Ivy Lane. C. Meisel wondered if the lots would fit under cluster zoning. R. Maxwell said it would not apply as that is an existing development. T. Wilson did not feel subdividing the lots would create smaller lots than the others in the Woodbine Development. Other lots are tightly spaced so this would not be too different.

C. E. O. R. Maxwell asked if the garage would meet the set-backs if the property were sub-divided. R. Hilimire stated he intended to take the garage down so that is not an issue.

It was noted that not all green cards had come back and the Board wondered if any of the neighbors had called or sent letters. Secretary D. Lund answered she had not received any calls or letters. R. Hilimire said his son is friends with B. Prunoske, the adjacent property owner, and he had said he had no problem with the sub-division and would be at the hearing but apparently forgot about it.

M. Hamilton asked if R. Hilimire lived in the house on Lima Road and he responded he currently resides on Oak Street. It is a two family house and his son currently lives there. He has never rented it to students. His daughter will probably live there in the future. C. E. O. Maxwell noted usually two family homes need bigger lots but the 196 Lima Road property is a pre-existing non-conforming lot; the law was changed in 1987 after the home was converted to two –family by M. Bishop. R. Hilimire said he believed he purchased the property in 1986 as a two-family.

Chair C. Meisel suggested the Board consider the Code standards for approval or disapproval (Section 130-105, A.-F). Does the request meet these requirements?

A. Protection of the character of the neighborhood.
B. Achievement of a harmonious relationship and maximum compatibility among uses shown on the site plan.
C. Achievement of a harmonious relationship and visual compatibility with surroundings & buildings located on adjoining properties.
D. Adequacy of buffer landscaping, screening and building setbacks.
E. Prevention of overcrowding of land with structures and the inappropriate concentration of the same.

T. Wilson said he was initially concerned with the lot size but it is larger than others in the development as they are only seventy-five hundred (7500) square feet. These lots are fairly tight together as well.

R. Maxwell said if the variance was granted the lot depths would be inconsistent with the Ivy Lane and Woodbine Park lots.

C. Meisel said she was concerned if the variance was granted that precedent would be set for other property owners with deep lots wishing to come before the Board for similar variances. R. Hilimire did not believe this would become an issue siting his 52 Court Street property that has a depth of approximately six-hundred (600') feet but no easy way to sub-divide it due to the width.

R. Maxwell wondered what the width of the property on the right hand side (Ivy Lane side) of the sub-divided parcel was and if it were the same size. C. Meisel noted the property owner on Ivy Lane gave up lot size for common open area – the lots originally met the Code when designed.

With no further discussion the questions were considered.

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 _1_ No __3__

Asking for smaller lot size – non-conforming; lot size still 9100sq. ft., corner lot makes the division work; a unique corner lot with enough total size.

2. Can the benefit sought by the applicant be achieved by some feasible method other than a variance? Yes _____ No __4__
3. Is the requested variance substantial? Yes __4__ No _____; 25%
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Yes _____ No __4__
5. Is the alleged difficulty self-created? Yes __4__ No _____

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 grant a twenty-five (25') foot rear yard setback for each parcel of a possible subdivision of two parcels, each parcel to have a depth of one-hundred (100') feet when a lot depth of one-hundred twenty-five (125') feet is required per Bulk and Use Table R-2 Residential District per the Code of the Village of Geneseo on property located at 196 Lima Road, Tax map Id. # 81.9-2-39.113. The variances are granted for the possible sub-division properties as the current property is a corner lot and a unique situation. The second sub-divided property will adjoin a street of similar smaller lots. R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, nay; M. Hamilton, aye; R. Meyers, aye; and T. Wilson, aye. The motion carried.

WHEREAS, The Village of Geneseo Zoning Board of Appeals, hereinafter referred to as Zoning Board, has considered the above referenced area variance application and
WHEREAS, the Zoning Board has reviewed the public record on said Action.
WHEREAS, the Zoning Board has reviewed the application submitted by Richard Hilimire and dated November 28, 2015 and received in the Village Clerk's office on November 30, 2015 and,
NOW, therefore, be it resolved that the Zoning Board approves with conditions, the application as follows: Request for a twenty-five (25') foot rear yard setback for each parcel of a possible subdivision of two parcels, each parcel to have a depth of one-hundred (100') feet when a lot depth of one-hundred twenty-five (125') feet is required per Bulk and Use Table R-2 Residential District per the Code of the Village of Geneseo on property located at 196 Lima Road, Tax map Id. # 81.9-2-39.113. The variances are granted for the possible sub-division properties as it is a corner lot and a unique situation. The second sub-divided property will adjoin a street of similar smaller lots.
The above resolution was offered by Thomas Wilson and seconded by Robert Meyers on January 05, 2016. Following discussion thereon, the following roll call vote was taken and recorded:
Chair Carolyn Meisel: nay
Marlene Hamilton: aye
Robert Meyers: aye
Paul Schmied: Absent
Thomas Wilson: aye

Approved: 03/01/2016

I, Debra Lund, Secretary of the Zoning Board, do hereby attest to the accuracy of the above resolution being acted upon and recorded in the minutes of the Village of Geneseo Zoning Board of Appeals.

Debra Lund, Secretary

R. Hilimire asked what the next step in the process was. C. E. O. R. Maxwell stated he would need to present his argument for sub-division to the Planning Board. The first step is to fill out an application for subdivision. He would also need to present them with a current survey map of the property. R. Hilimire has a subdivision application and Short Environmental Assessment Form on file with the Planning Board secretary awaiting a decision of the Zoning Board on the variance requests. After further discussion of requirements, R. Hilimire thanked the Board and R. Maxwell and exited the public hearing at 4:58 p.m.

T. Wilson moved to close the public hearing at 4:59 p.m. M. Hamilton 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 and the public hearing closed.

M. Hamilton moved to approve the 2016 Zoning Board of Appeal Calendar. 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.

M. Hamilton moved to approve the November 10, 2015 Palace Properties of Geneseo LLC minutes as presented. R. Meyers seconded the motion. The vote was as follows: Chair C. Meisel, abstained due to absence; M. Hamilton, aye; R. Meyers, aye; and T. Wilson, aye. The motion carried.

Discussion followed about the new NYS Energy Code and how it might affect future Board decisions.

T. Wilson moved to close the meeting at 5:13 p.m. M. Hamilton seconded the motion. All were in favor and the meeting closed.

Debra Lund, Secretary