

Town of Geneseo Zoning Board of Appeals

Bill and Suzanne Cartwright

Public Hearing

Property Address: 4412 Country Club Rd., Geneseo, Ny 14454

Tax Map: # 72.-1-29

September 12, 2023 @ 7:30 PM

Members Present:

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Donald Kearney, Member

Carolyn Meisel, Member

Michael Millard, Alternate Member

Applicant(S): Bill and Suzanne

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary

Jared Radesi, Code Enforcement Officer

Robert Harris, Planning Board Chair

Ericka Elliot, Town Attorney

Public Present: Jon Roodenburg 4392 Country club Rd., Geneseo and Derek Hicks, 4420 Country Club Rd., Geneseo.

Chair Maxwell called the September 12, 2023, meeting to order at 7:30 PM.

Chair Maxwell requested that members vote on the August 22, 2023 meeting minutes. The minutes were presented and discussed. K. Book moved to approve the minutes as presented. D. Kearney seconded. With no further discussion, motion passed with ayes from Chair Maxwell, M. Millard, K. Book, D. Kearney, and M. DaBramo. C. Meisel abstained as she wasn't present for that hearing.

The Public Meeting was opened at 7:35 PM by Chair John Maxwell. All proper notices were sent via US Mail return receipt. They were also published in the Livingston County Newspaper, as follows:

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals, Town of Geneseo, will hold the following Public Hearing pursuant to Town Law. At the above date and time, an application by **Bill and Suzanne Cartwright, 4412 Country Club Rd., Geneseo, tax map #72.-1-29** will be considered for a rear yard area variance. Therefore, the above Public Hearing will be held. Cartwrights sent out eight (8) Certified Mail with Return Receipt Letters, with the return of Eight (8) Green Cards, and one (1) Letter being returned to sender.

Chair Maxwell asked all the board members if they had a chance to visit 4412 Country Club Road. All had visited.

Chair Maxwell stated that the **County Planning Department** has reviewed this application and determined that it has no significant Countywide or inter-municipal impact with regard to existing County plans, programs, and activities. Decision for the application is up to the Town Zoning Board.

Chair Maxwell stated that this application was determined to be a Type II action, and SEQR is not required per # 12 of the New York Codes, Rules, and Regulations 617.5 Type II Actions.

Chair Maxwell invited Suzanne and Bill Cartwright to explain why they need a rear yard area variance.

Suzanne Cartwright explained they wanted to build a 20'X40' storage barn. The storage barn would be on the same angle as their home and requires a 14' rear yard variance for one corner of the storage barn.

Chair Maxwell asked if anyone in the public had comment or concerns. Jon Roodenburg at 4392 Country Club Rd., had no objections. Derek Hicks at 4420 Country Club Rd., had no objections and saw no reason not to approve the Cartwrights rear yard variance. *Suzanne then presented a letter from a neighbor: We, Arlie, and Susan Bennett, reside at 4411 Lakeville Rd., with no objection to the proposed storage barn.*

M. DaBramo clarified this is a 75% variance request. Lots of space to reposition the shed and decrease the rear yard variance to 10'.

K. Book agreed.

M. DaBramo moved to close the public portion of this hearing at 7:53 PM. Seconded by C. Meisel. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the five questions necessary for a 10' rear yard area variance for building a 20'X40' storage barn.

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?

Chair Maxwell – No

Member Book – No

Member Meisel – No, this will improve their lot.

Member Kearney – No

Member DaBramo – No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell – Yes

Member Book – Yes

Member Meisel – They are too close and will need a variance.

Member Kearney – Yes, move within the setback.

Member DaBramo – Yes, smaller building or move from property line.

3. Is the requested variance substantial?

Chair Maxwell – 50% Yes

Member Book – Yes

Member Meisel – The applicant was over 50% but was modified by the applicant to just need a 10' variance.

Member Kearney – Yes, 50%

Member DaBramo – Yes, 50% 10' vs 20' per code.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell – No

Member Book – No

Member Meisel – Yes

Member Kearney – No

Member DaBramo – No

5. Is the alleged difficulty self-created?

Chair Maxwell – Yes

Member Book – Yes

Member Meisel – Yes

Member Kearney – Yes

Member DaBramo – Yes

D. Kearney made motion to approve a 10' rear yard variance for 20'X40' storage barn. Seconded by K. Book. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

M. DaBramo moved to close this hearing. Seconded by K. Book. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Those presenting from Millstone Development departed at 9:15 PM.

Town of Geneseo Zoning Board of Appeals

Millstone Development

Public Hearing (continuation)

Property Address: Gateway Drive

Tax Map: # 81.-1-29.125 & # 81.-1-29.126

September 12, 2023 @ 8:00 PM

Members Present:

John Maxwell, Chair

Ken Book, Member

Mike DaBramo, Member

Donald Kearney, Member

Carolyn Meisel, Member

Michael Millard, Alternate Member

Other Town Representatives Present:

Debbie Streeter, Clerk/ZBA Secretary

Jared Radesi, Code Enforcement Officer

Robert Harris, Planning Board Chair

Ericka Elliot, Town Attorney

Applicant(S): Matt Lester Developer (Millstone), Anthony Gizzie Developer (Millstone), and Devin Dal Pos Developer (Millstone).

Public Present: None

Chair Maxwell opened the meeting at 8:00 PM. It was noted that this hearing was a continuation of the public hearing for Millstone Development originally opened on August 22, 2023 and tabled because the Town Zoning Board of Appeals requested Town Attorney attendance. All proper notices were sent via US Mail return receipt. They were also published in the Livingston County Newspaper, as follows:

NOTICE IS HEREBY GIVEN, that the Zoning Board of Appeals, Town of Geneseo, will hold the following Public Hearing pursuant to Town Law. At the above date and time, an application **Millstone Development, Gateway Drive, Geneseo, tax map #81.-1-29.125 & #81.-1-29.126** will be considered for phase two project VARIANCES. The purpose of their variance application is the development of two (2) tenant shells. The proposed project is requesting deviation from Town zoning code for the following sections: Access management 106-40.6A (5), Parking location, massing, and orientation 106-44.4B (C), Façade articulation 106.44.6A (2)(C), Trees 106-42.2B, Specific provisions by zoning district (signs) 106-40.8C (3), and Table of Sign Regulations 106 Attachment 13-Table 40.1. More information for these codes is on our website under Code Enforcement (geneseony.org).

Chair Maxwell asked B. Harris (Planning Board Chair) where Millstone stands with the Planning Board. B. Harris stated Millstone has preliminary approval of the two-lot Subdivision, Site Plan, and two (2) Special Use Permits. They need to return to the Planning Board with new Subdivision, Site Plan, and Special Use Permits for final approval of a two (2) lot subdivision to a one (1) lot subdivision. **B. Harris reminded the ZBA the Planning Board will address the number of parking space.**

CEO Radesi asked E. Elliott (Town Attorney) about granting variance on Preliminary Approval of the two-lot Subdivision. E. Elliott explained that the variances approved can be conditional on approval of a one-lot Subdivision by the Planning Board.

Chair Maxwell asked Matt Lester Developer (Millstone) to give an update on revised Project Narrative and Variance Request. Matt stated Millstone revised their variance from his takeaway from the last meeting. He understood the board's concern about too many signs. The tenants want to maintain brand identity and image.

Discussion took place over the freestanding pedestal plaza sign. D. Dal Pos stated that the empty sign panels can be opaque until tenant occupied. One freestanding pedestal sign for **28-acres** is better for traffic and less distracting than having a freestanding pedestal sign for each tenant.

C. Meisel moved to close the public hearing at 8:35 PM. Seconded by M. DaBramo. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

CEO Radesi asked E. Elliott if we can combine variance by building to scale down the variances. The variances were grouped by building/tenant.

Chair Maxwell directed the board to go through the 5 questions to eliminate the need to provide recess or offset façade articulation measuring at least four feet in depth for building A. A small 18" bumpout is provided to show

articulation and meet the intent of the code. **The Town Planning Board will address the architectural design of the buildings.**

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?
Chair Maxwell - No
Member Book - No
Member DaBramo Depends on architectural design.
Member Kearney - No
Member Meisel - No
2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?
Chair Maxwell - Yes
Member Book - Yes
Member DaBramo – Yes, Follow the code.
Member Kearney - Yes
Member Meisel – Could do individual but this is better visually.
3. Is the requested variance substantial?
Chair Maxwell - Yes
Member Book - Yes
Member DaBramo – Yes, 4' to 1.5'
Member Kearney – Yes, 4' to 18"
Member Meisel - Yes
4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?
Chair Maxwell - No
Member Book – No
Member DaBramo - No
Member Kearney - No
Member Meisel - No
5. Is the alleged difficulty self-created?
Chair Maxwell - Yes
Member Book - Yes
Member DaBramo - Yes
Member Kearney - Yes
Member Meisel – Yes

D. Kearney made a motion to grant a façade articulation bumpout of 18" to show articulation on building A. Seconded by K. Book. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary to eliminate the need to provide recess or offset Façade Articulation measuring at least four feet in depth for multi-tenant building B. A small 18" bumpout is provided to show articulation and meet the intent of the code. **The Town Planning Board will address architectural design of the buildings.**

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?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo – Yes, follow the code.

Member Kearney - Yes

Member Meisel - Yes

3. Is the requested variance substantial?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes, 4' to 1.5'

Member Kearney – Yes 4' to 18"

Member Meisel - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel – No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes

Member Kearney - Yes

Member Meisel – Yes

K. Book made a motion to grant a façade articulation bumpout of 18” to show articulation on multi-tenant building B. Seconded by C. Meisel. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary to avoid placement of the trees between the public sidewalk and curb of Lakeville Road (20A), Gateway Drive, and Shale Road due to existing utilities that would be affected. Trees are provided elsewhere on site. This is delineated on the site landscaping plan to the location of where the trees have been provided. **The Town Planning Board will address where the trees will be planted.**

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?

Chair Maxwell - No

Member Book - No

Member DaBramo – Not if trees are planed per planning board specifications.

Member Kearney - No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

3. Is the requested variance substantial?

Chair Maxwell - No

Member Book - Yes

Member DaBramo - Yes

Member Kearney - No

Member Meisel - No

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

5. Is the alleged difficulty self-created?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel – No

K. Book made a motion to relocate the trees that are planned between the public sidewalk and curb of Lakeville Road (20A), Gateway Drive, and Shale Road due to existing utilities that would be affected. Seconded by M. DaBramo. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary to allow two (2) wall signs for proposed tenant building A (QSR with Drive-Thru) on the south and east side of the building.

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?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell – Yes, one sign

Member Book - Yes

Member DaBramo – Yes, only use one sign.

Member Kearney - Yes

Member Meisel - No

3. Is the requested variance substantial?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo – Yes, 2 vs 1.

Member Kearney - Yes

Member Meisel - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell – No

Member Book – No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes

Member Kearney - Yes

Member Meisel - Yes

C. Meisel made a motion to allow two (2) wall signs on proposed tenant building A (QSR with Drive-Thru) on the south and east side of the building. Seconded by K. Book. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary to allow two (2) wall signs for building B with Drive-Thru located on the west end of a multi-tenant building.

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?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney -No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell – Yes, 1 sign.

Member Book - Yes

Member DaBramo – Yes, only use 1 sign.

Member Kearney -Yes

Member Meisel – No Not if they want 2 signs.

3. Is the requested variance substantial?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo – Yes, 2 signs vs 1.

Member Kearney - Yes

Member Meisel - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes

Member Kearney - Yes

Member Meisel – Yes

D. Kearney made a motion to allow two (2) wall signs for building B with Drive-Thru located on the west end of a multi-tenant building. Signs will be located on the north and south side of the building. Seconded by C. Meisel. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary to allow two (2) wall signs on building B with maximum size of 30 square feet located in the middle of a multi-tenant building.

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?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo – Yes, one sign only and smaller.

Member Kearney – Yes, conform to requirement.

Member Meisel - No

3. Is the requested variance substantial?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo – Yes, 2 signs vs 1.

Member Kearney – Yes, 2 signs, 22 sq ft required, and 30 sq ft requested.

Member Meisel - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes

Member Kearney - Yes

Member Meisel - Yes

K. Book made a motion to allow two (2) wall signs for building B with each sign a maximum size of 30 square feet. Located on the north and south side for the middle tenant of multi-tenant building. Seconded by M. DaBramo. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary to allow two (2) wall signs on building B with each sign to be 34 square feet in size located on the East of a Multi-Tenant Building.

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?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell – Yes, 1 sign.

Member Book - Yes

Member DaBramo - Yes

Member Kearney – Yes, conform.

Member Meisel - No

3. Is the requested variance substantial?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes

Member Kearney – Yes, 2 signs, 24sq ft required, and 34 sq ft requested.

Member Meisel - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Yes

Member Kearney - Yes

Member Meisel - Yes

D. Kearney made a motion to allow two (2) wall signs for building B with each sign to be a maximum 34 square feet in size. Located on the north and south side for the east end tenant of multi-tenant building. Seconded by M. DaBramo. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Chair Maxwell directed the board to go through the 5 questions necessary for a freestanding multi-tenant sign within the Geneseo Commercial Development that exceeds the maximum height of 10 feet (13'3"), and the maximum area of 32 square feet for a total sign (60.96 sf/side, 3.80sf per panel (10) and 11.52 sf per panel (2)).

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?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

2. Can the benefit sought by the applicant be achieved by some feasible method other than the variance?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo - Smaller Signage

Member Kearney -Yes

Member Meisel - Yes

3. Is the requested variance substantial?

Chair Maxwell - No

Member Book - Yes

Member DaBramo - Yes

Member Kearney - No

Member Meisel - Yes

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Maxwell - No

Member Book - No

Member DaBramo - No

Member Kearney - No

Member Meisel - No

5. Is the alleged difficulty self-created?

Chair Maxwell - Yes

Member Book - Yes

Member DaBramo -Yes

Member Kearney - Yes

Member Meisel – Yes

K. Book made a motion to grant a freestanding multi-tenant sign at the corner of Lakeville Road (20A) and Shale Road with the maximum height of 13'3" and maximum area of 71 square feet. Empty panels to be opaque until occupied by additional business. This is the only freestanding sign allowed for this 28-acre parcel, regardless of any new development taking place. This freestanding multi-tenant sign will be located at the corner of Lakeville Road (20A) and Shale Road. Seconded by c. Meisel. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

C. Meisel moved to close this hearing. Seconded by M. Dabramo. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

D. Kearney made a motion to adjourn at 10:00 PM. Seconded by M. DaBramo. Motion carried with ayes from Chair Maxwell, C. Meisel, K. Book D. Kearney, and M. DaBramo.

Respectfully Submitted,

Debbie Streeter Deputy Clerk