

**Town of Geneva
Zoning Board
April 23, 2024
DRAFT**

Present: James Smith, John Wilson, Phillip Ilacqua, Robert Rose, Pat Cardinale

Absent: John Robbins

Staff: Floyd Kofahl, Code Enforcement Officer, Amy Naegele, Clerk of the Board, Steve High, Ontario County Planning Board Representative

Others present: 5 members of the public

Chair John Wilson called the meeting to order at 6:30 pm.

Pledge of Allegiance

**Presentation – Use Variance & Area Variance
Gringeri Property ZB2024-001 & ZB2024-002**

The applicant wishes to rebuild a boat house. The original accessory structure was 15 ft. by 26 ft. The new structure would be 15 ft. by 52 ft. Based on the plans, the new structure meets the definition of a dwelling unit. Per Town of Geneva Code 165-10 B, multiple detached dwelling units are not allowed and would require a use variance. Per Town of Geneva Code 165-10 E (5) Minimum rear yard setback shall be 25 feet, and in the case of lots bordering the lake, the rear yard setback shall be measured from the deeded rear property line. The proposed structure would be 10 ft. from the rear property line, making this a 60% area variance.

Anthony Gringeri presented to the Board. He explained that they purchased the property in 2019 and knew at that time that the retaining wall was going to need some work. At that time there were two substructures on the beach. One of them was used primarily for storage of kayaks and other gear. When the work began on the retaining wall, it was brought to their attention this shed was actually on their neighbors' property. Their contractor attempted to move the structure and it collapsed. They decided that they would rebuild, combining the two structures into one. He noted that the new structure is further back from the lake, and they did not realize a permit was needed to rebuild.

The Board asked Floyd for his comments. Floyd confirmed that there are two variance requests before the board. The use variance should be addressed first. The actual structure being built meets the definition of a dwelling unit, but not a house. The first half is already built, which is 15 ft by 26 ft, with the total on the application being listed as 15 ft. by 52 ft. There was a discussion between the applicant, Floyd, and the Board confirming the size. It was confirmed that the building is intended to be 15ft. by 52 ft. Floyd confirmed that because it meets the definition of a dwelling unit, it is considered an occupied space, which would require a use variance because it is separate from the main house. A dwelling unit has to be 25 ft. from the rear property line, and this is located 10 ft. from the rear property line. He also noted that the first level is in the floodplain, so the building will need to be built to flood standards. Floyd explained that if the use variance is denied or the plans are changed so that the building is not a dwelling

unit, then it would just be a storage shed and the setback requirements would change. The necessary side and rear setbacks would be 10 ft. for a storage shed. The Board confirmed with Floyd that the area variance is dependent on whether it is classified as a dwelling unit or a shed. They also discussed the need for a site plan with measurements of the proposed building and setbacks. Floyd also reminded the Board that they cannot consider the fact that a portion of the building is already built in their decision.

Anthony Gringeri addressed the Board again. He explained that they did add additional space for storage. He went over their reasoning for this decision, noting that there are three flights of stairs from the house to the beach and they have a special needs grandson who has a wheelchair and additional special equipment. Both Anthony and Constance spoke of the importance of having the sink, refrigerator, and bathroom accessible to help with his care. Constance also confirmed that this would just be for personal use. Floyd reminded the board members that the Board can put conditions on a use variance if they choose to.

There was a discussion regarding what the Board would like to see from the applicant. Floyd suggested to the applicant that they add to the use variance submission, noting the care of their grandson and pictures of the steps. The Board requested a site plan with measurements of the building and setbacks and additional information on the use variance request. There was further discussion regarding the design of the steps.

The Board asked Steve for input from the County. Steve explained that this was an architectural review that was reviewed by the Planning Department and not presented to the County Planning Board. It was returned with a recommendation of denial, so a super majority vote will be required to approve it. There was a discussion regarding the submissions of site plans.

The Board confirmed that there is not a shower included in the plans and that the wastewater will get pumped to the septic.

Motion made by John Wilson to schedule the public hearing for ZB2024-001 and ZB2024-002 for next month's meeting. 2nd by Phillip Ilacqua. All in favor, motion carried.

There was a brief discussion regarding the shower, and the applicant was advised to add it to the plans for the next meeting if they decided to include one.

Organizational Meeting

John Wilson led the Board through the organizational meeting. They reviewed the current rules of order. Motion made by John Wilson to adopt the Rules of Order for 2024. 2nd by Phillip Ilacqua. All in favor, motion carried.

Next, they reviewed the schedule and discussed date changes. The December meeting was moved from December 24, 2024, to December 18, 2024. Motion made by Phillip Ilacqua to adopt the schedule for 2024. 2nd by John Wilson. All in favor, motion carried.

John reminded the board members that they are required to complete 4 hours of training. They discussed an upcoming training focusing on Short-Term Rentals. They also discussed the possibility of doing another in-house training. The board members requested this be looked into.

Floyd went over upcoming code changes that the Town Board is reviewing. He also requested that the Board review the current Zoning Board application and make note of any proposed changes for the next meeting.

Meeting Minutes from February 28, 2023

Motion made by Pat Cardinale to approve minutes with a 2nd by Phillip Ilacqua. All in favor. Motion carried.

Steve High's Report

Steve provided the Board with the 2023 Ontario County Planning Board Annual Report. He highlighted some of the application statistics from the year and discussed trends they saw. Applications numbers for the county are going up, while the Town of Geneva only submitted 5 applications in 2023, down from 18 in 2022. He discussed solar project moratoriums and concerns regarding battery storage and other unique questions that have come up with large solar projects. He discussed other items including water quality and quantity and short-term rental growth. He also talked about upcoming plans for a housing study, an access management program, and a county vision plan. He spoke about the possibility of New York State creating a short-term rental registry.

Other Business

Floyd explained that there is a lot going on and went over some of the changes with the approvals for sewer from the city. He also talked about the grant the city received and the timeline for the project.

Motion made by John Wilson to close the meeting with a 2nd by Phillip Ilacqua. All in favor. Motion carried at 7:21 pm.