

**Town of Geneva
Zoning Board
May 28, 2024
DRAFT**

Present: James Smith, John Robbins, John Wilson, Phillip Ilacqua, Pat Cardinale

Absent: Robert Rose

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

Others present: 11 members of the public

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

Pledge of Allegiance

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

The applicant wishes to rebuild a boat house. 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. This setback is based on the structure being a dwelling unit. If the use variance is not granted the setback requirements for an accessory structure are 10ft from the side and rear property lines.

Anthony Gringeri presented to the Board. His contractor, Nicholas Kelly, passed out pictures to the board members of other boat houses on Glass Factory Bay. He explained that they purchased the property in 2019 and knew at that time that some upgrades would be required. 1 of the 2 accessory structures on the property was over the neighbors' property line. When they began work on the retaining walls, they tried to move the structure, and it collapsed. They built a 15 ft by 26 ft building to replace both accessory structures. They would like to add onto that building and add a bathroom and a kitchenette. He explained that they have a disabled grandson, and the main house is over 70 steps away from the lakefront. The building would be to increase the functionality of the lake for their family. They have no intention to rent it out, or to stay in it while they rent out the main house. He explained that when he retires, he plans on spending most of his time here, with winters in California.

Anthony invited Nick Kelly to also talk to the board members. Nick went through the timeline of the project, explaining that they had met with the neighbor, Linda, and discussed moving the structure off her property. Nick explained that when they tried to move it, it collapsed. The same thing also happened to the structure on the north side of the property. He explained why he had thought no permit was needed for the structure that currently stands on the property, and the plans to submit a permit application to make the structure 15 ft by 52 ft. He

went over how they had moved the building away from both the side and rear property lines by building up the retaining walls. He also brought the Board's attention to the submitted photos and mentioned the neighbors' view and how the new structure does not stick out.

John Wilson opened the meeting to public comments. Linda Fagan, of 4213 Glass Factory Bay, addressed the Board. She went over the timeline of the purchase of her house, the sale of the neighbors' house, and the fact that the previous shed was on her property line. She spoke in support of the new structure, as long as they did not rent it out.

Preston Garretson, of 4251 Glass Factory Bay, addressed the Board. He stated that he was sympathetic to the reasons for the request, but voiced his concerns about what it could mean for the future. He thinks it will change the neighborhood and set a precedent.

Constance Gringeri addressed some of the concerns that were raised. She explained that at the last meeting they had stated they would be okay with a stipulation being placed that they cannot rent out the new building.

Cecelia McAuliffe, of 4205 Glass Factory Bay, spoke. She went over her concerns and issues with the project. She explained that the building is in their view, and she questioned why it had to be so big and so tall. She also explained her frustration about the work being done without the proper permits, and the potential impact on the ability to sell her property.

Kristy Garretson, of 4251 Glass Factory Bay, spoke. She explained that the property in question already has a large square footage, and this would add even more. She voiced her concerns over the disparity this would cause among the houses in the area.

Mary Erdman, of 4205 Glass Factory Bay, voiced her concerns regarding it being accessible to renters. She explained to the Board the many ongoing issues they have experienced with renters on both sides of their property.

Michelle McAuliffe, of 4205 Glass Factory Bay, spoke. She voiced her concerns about the lack of a neighborly community due to the issues with renters and also went over the issues they have experienced. She also spoke about their view, as they have no view to the north and this is their view to the south.

Linda Fagan readdressed the Board. She went over her experience with renters at the applicants' property and how it has been mostly positive. She stated her opinion that renting is part of lake life and also stated that she does not see the building from her house.

Cecelia McAuliffe readdressed the Board. She also discussed some issues with renters. She voiced her concerns about the new structure being built without a permit, not being built to code, and being too tall.

Constance Gringeri readdressed the Board. She apologized to the neighbors and went over some of the solutions they have tried to suggest in the past. She said they could talk with the contractor regarding possible changes.

John Wilson checked that no other members of the public wished to speak. Motion made by John Robbins to close the public hearing. All in favor, motion carried.

John Wilson asked Floyd for his comments. Floyd reminded the board members that there were two variance requests before them, and that the applicant did submit a letter addressing the 4 criteria for the use variance. He explained that for the use variance, the 4 criteria must be met. He also reminded them that if they felt that they needed more time to consider the new information and the public input, they could carry it over until next month. Floyd also reminded them that for the area variance, there are 5 criteria, which are just guidelines to consider. He also confirmed that the Board could put a condition on a use variance approval, stating that they could not habitate the structure. He also confirmed the current building does not

have a permit. He answered questions from the board confirming that the use variance and any conditions would stay with the property if sold and that the main house is currently being rented as a short-term rental.

The board discussed their options moving forward and whether they wanted to carry it over to next month's meeting.

Motion made by John Robbins to table ZB2024-001 and ZB2024-002 until next month's meeting, scheduled for June 25, 2024. 2nd by Phillip Ilacqua. All in favor, motion carried.

It was confirmed that the Public Hearing was closed and only the Board's action would be next month.

Meeting Minutes from April 23, 2023

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

Steve High's Report

Steve spoke to the Board about the application before the board tonight. Because the use variance request was not part of the original submittal to the county, that would also need to be resubmitted for review. Floyd confirmed that he would be submitting this week. Steve also explained that the County Planning Board has a very hardline on use variance requests. He also confirmed that they had recommended denial on the area variance request, meaning the Zoning Board will need a super majority to approve the area variance.

Steve spoke about the ongoing formation of short-term rental codes and some of the issues he has seen. He also spoke about the project in the City of Canandaigua to transform the former YMCA and Post Office into an event space, brewery, restaurant, and offices. He went over the parking issues the County Planning Board commented on.

Other Business

John Wilson reminded the other board members that the 4 criteria for a use variance must be met and that there is no leeway. He went over how much of a challenge this can be, especially the first criteria.

Floyd added to this, explaining in his 38 years of doing this, he has only seen 3 applications meet the criteria.

Floyd went over some of the short-term rental issues that were brought up at the meeting. He went over some of the code and the proper way to report issues. He explained that people should contact the owner first, then Floyd, and then if needed, Floyd can direct them to the police.

Floyd clarified questions regarding the site of tonight's application, including the requirement of railings, and waste management from the proposed building. He also confirmed that it is in the floodplain and the changes that would need to be made.

John Wilson explained that he allowed the neighbors to talk about the short-term rental issues because he feels speaks to the quality of the neighborhood.

There was confirmation that the applicants are grandfathered into the old rental code and that the other neighbor mentioned also qualifies for a rental.

Floyd went over the plans for the old Alison's building and confirmed that the public hearing for the site plan will be next month.

Motion made by John Wilson to close the meeting with a 2nd by Phillip Ilacqua. All in favor. Motion carried at 7:27 pm.