

**Town of Geneva  
Zoning Board  
June 22, 2021  
DRAFT**

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

Absent: John Wilson

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

Others present: 9 members of the public

Acting Chair John Robbins called meeting to order at 6:30 pm.

**Pledge of Allegiance**

**Public Hearing – Use Variance and Area Variance  
Fitzgerald Property ZB2021-001**

The applicant is requesting a use variance to place a shed on a vacant parcel. Per Geneva Zoning Code Section 165-24 A, accessory buildings are allowed only on the same property as the principal building. The applicant is also requesting an area variance for the rear setback. Per Geneva Zoning Code Section 165-10 E, 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 applicant is requesting a 0 ft. setback.

Brian Fitzgerald presented his request to the board members. He is looking to put a shed on his lake lot for storage. There is already a dock and hoist. The shed will be 1 story and 10 ft. by 16 ft.

John Robbins asked if there were any members of the public wishing to speak. There were none. Floyd read an email received from Ann & Mike Rollo into record. This email is on record in the Zoning Board file ZB2021-001. They had no objections to the project.

John then asked Floyd for his comments. Floyd explained that the variance for the rear setback is the lake side of the property. He also explained that due to the topography of the lot, this would be the best location for the shed without the need to move a lot of earth. He spoke about past instances where similar applications were before the Board and recommended that if the board looks at the application favorably, that they consider conditioning the approval to cold storage and the location as per the plans.

Motion made by Phillip Ilacqua to close the Public Hearing. 2<sup>nd</sup> by James Smith. All in favor, motion carried.

John opened the Board discussion. Robert Rose confirmed with the applicant that there would be no water or electricity in the shed and that it would be on a stone base. Pat Cardinale asked about a driveway and Brian confirmed that there would not be a driveway, only stairs to the lot. The Board went through the resolution.

Motion made by Phillip Ilacqua to grant the request for a use variance with the conditions that only cold storage be allowed and that the shed is built to the plans provided. 2<sup>nd</sup> by Pat Cardinale.

Roll Call Vote:

James Smith – Grant

Pat Cardinale – Grant

John Robbins – Grant

Phillip Ilacqua – Grant

Robert Rose – Grant

Motion carried.

John led the board through the resolution for the area variance request. Motion made by Phillip Ilacqua to approve the area variance as requested with the conditions that only cold storage be allowed and that the shed is built to the plans provided. 2<sup>nd</sup> by Pat Cardinale.

Roll Call Vote:

James Smith – Abstain

Pat Cardinale – Grant

John Robbins – Grant

Phillip Ilacqua – Grant

Robert Rose – Grant

Motion carried.

### **Public Hearing – Area Variance (2)**

#### **Pitifer Garage ZB2021-003**

The applicant is requesting two area variances for the placement of a detached garage. The applicant wishes to place the garage in the front yard of the property with a front setback of 13 ft. Per Geneva Zoning Code Section 165-24 A. Accessory structures are to be constructed in the rear yard portion only. Per Geneva Zoning Code Section 165-8 E, Minimum front yard setback shall be 30 ft.

Chas Pitifer presented his request to the Board. He explained that he was looking to build a detached garage in line with his house and explained the issues he has with water in the rear yard. He stated that he could move the garage back to meet the 30 ft. setback but, as a result, would lose trees.

John Robbins asked if there were any members of the public wishing to speak. There were none. Floyd read an email received from John Russo (in favor) and a letter from Julie Guerreri (opposed) into record. John Robbins read an email received from Don Guerreri (opposed) into record. All items are on record in the Zoning Board file ZB2021-003. Chas asked to address the Board again. He explained that he was not cited for bringing fill in when building his house and discussed ways he had tried to help alleviate the water issues for Don Guerreri. Frank Gaglianese also spoke to the board members. He explained that in 2014, prior to building Mr. Pitifer's house they had both approached Mr. Guerreri to discuss options for the water. He also commented that the water issues will not be worsened by the garage being built.

Motion made by John Robbins to close the Public Hearing. 2<sup>nd</sup> by Robert Rose. All in favor, motion carried.

John asked Floyd for his comments. Floyd explained to the board members that they are reviewing two variance requests. The first is a 100% variance to have the garage in the front yard and if that is approved the second is for the front setback. He confirmed what would be considered the rear yard and explained that if the applicant tried to build in the rear yard, he might run into underground springs. John asked Floyd if there was another location on the property that the garage could be located. Floyd confirmed that there was, however, the cost could be more. He confirmed with the Board that even to build the garage in the side yard a

variance would be needed. He also reminded the Board to take into consideration what would be cost effective and the other lots in the neighborhood.

John asked Steve if there were any comments from the County. Steve reported that this was a Class I, there were no specific comments, and was part of a block vote.

Discussion of the Board was opened. Robert Rose asked the applicant to show where he had mentioned he could move the garage to, to avoid the need for the front setback variance. Chas showed him on the map and Bob confirmed with Floyd that this would be the side yard and would still need a variance for that. Chas also showed the board members a video of previous flooding on his property and explained that he could not build in the rear yard. There was further discussion among the Board regarding the flooding and water issues in the area. There was a discussion regarding an old culvert at the abandoned railroad bed being too high. The board members discussed the need to solve the water problem before moving forward with the variance request. Floyd explained that he could bring the concerns to the attention of the Highway Superintendent. The board members agreed on this.

Motion made by John Robbins to continue the review of ZB2021-003 at the next Zoning Board meeting scheduled in July. 2<sup>nd</sup> by James Smith.

Roll Call Vote:

James Smith – Yes

Pat Cardinale – Yes

John Robbins – Yes

Phillip Ilacqua – Yes

Robert Rose – Yes

Motion carried.

### **Public Hearing – Area Variance Rodgers Shed – ZB2021-004**

The applicant is requesting an area variance to place a shed in the front yard. Per Geneva Zoning Code Section 165-24 A. Accessory structures are to be constructed in the rear yard portion only.

Justin Rodgers and Meghan Finnerty presented their request to the Board. Justin explained that they are looking to place a 12 ft. by 16 ft. woodtex shed next to their driveway. There is too much water for them to put the shed behind the house and they would have to remove trees and extend driveway to place in the rear yard. He explained that they are completely surrounded by trees and that the nearest neighbor is over 700 ft. away and not visible.

John Robbins asked if there were any members of the Public wishing to speak. Floyd read an email from John Nicholas and a letter from Edna May Langan into record. Neither had any objections. Both items are on record in the Zoning Board file ZB2021-004. John Robbins closed the Public Hearing.

Floyd was asked for his comments. He explained that the driveway comes off of a private drive off of a private road off the cul-de-sac. He confirmed that unless you went back to the property you will not be able to see the shed, and that to put behind the house they would have to clear out trees and add fill.

John asked Steve for comments from the County. Steve reported that he had been asked if the house was visible from the road and Steve had shown the County Planning Board the house and road layout on a map.

John opened the Board discussion. Robert Rose confirmed that the shed would only be cold storage with no water or electric. Justin confirmed and also confirmed that it would be on a stone pad. There was a discussion about the cellar entrance and the wetness on the side/rear of the property.

Motion made by John Robbins to approve the placement as located on provided plans with the restriction that it will be cold storage. 2<sup>nd</sup> by James Smith.

Roll Call Vote:

James Smith – Grant

Pat Cardinale – Grant

John Robbins – Grant

Phillip Ilacqua – Grant

Robert Rose – Grant

Motion carried.

### **Meeting Minutes from May 25, 2021**

Motion made by Robert Rose to approve minutes with a 2<sup>nd</sup> by John Robbins. All in favor. Motion carried.

### **Steve High's Report**

Steve reported that the County Planning Board had a long meeting, with much time being taken to discuss a new manure pond proposed in the Town of Manchester. He also mentioned a new 92-unit housing project on Parish Street in Canandaigua. He went over the Geneva American Legion project in the Town of Seneca. He mentioned concerns with the City of Geneva accepting the waste, questions regarding the lighting of the flags, and if there would be a pavilion. There was a short discussion between the Board Members, Steve, and Floyd regarding the general process for the County Planning Board and the how their comments are addressed by the local municipalities.

### **Other Business**

Floyd updated the board members on the situation with the City of Geneva regarding the water and sewer. He explained that they are working on a new contract. This was sparked by a project in the town being shut down at the end of May due to the city not accepting the waste. He expressed that if the problems were not resolved timely, the town has the potential to lose a lot of business.

Floyd also reported on a new tenant that wants to move into the old Cheribundi building.

He went over an application for a carwash at the old Ponderosa, which will be before the Planning Board next month.

There was further discussion between the board members and Floyd regarding the water situation and how upcoming planned projects could be affected.

Motion made by John Robbins to close the meeting with a 2<sup>nd</sup> by Pat Cardinale. All in favor. Motion carried at 7:41 pm.