

**Town of Geneva
Zoning Board
July 27, 2021
DRAFT**

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

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

Others present: 22 members of the public

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

Pledge of Allegiance

**Public Hearing – Area Variance
Geneva Solar Village ZB2021-005**

The applicant is requesting an area variance for the height of proposed apartment buildings. Per Geneva Zoning Code Section 165-12 E(8), maximum building height for any nonagricultural building or structure shall be 30 feet. The applicant is requesting a 10% variance to have a height of 33 feet. Ryan Wallace presented the request to the board members. He explained that the 3 apartment buildings are part of a proposed multi-family project and there will be a total of 75 units in the apartment buildings. He explained that they had previously received site plan approval with 2-story apartment buildings but have an application before the planning board now for modifications to the site plan. He went over the reasons for the modifications, including increased material costs and the plan of this being the flagship project for the expanded factory in the City of Geneva. He stated that the housing would be market rate and that their funding was based on this. They have gone over the proposed height with Northside Fire Department, the buildings will have sprinklers installed, and will install hydrants where the Fire Department wants them. He also stated that the 30 ft maximum height is the same in both the R1 district and R5 district, which is not in line with neighboring municipalities. He stated that the higher density districts in other municipalities have a higher maximum height. He talked about how a 2-story building could come close to reaching this maximum height.

John Wilson checked if there were any members of the public wishing to speak. There were none. Motion made by John Robbins to close the Public Hearing. 2nd by James Smith. All in favor, motion carried.

John asked for comments from the Code Enforcement Officer. Floyd discussed the current code and explained that the 30 ft height restriction is based on the average height of the roof. This means that peak could be over 30 ft as long as the average is below. He confirmed that there are buildings in the town where this is the case. He also explained that due to the requirement of sprinklers, extra headroom was needed. John Robbins confirmed with Floyd that the buildings will have flat roofs and that the fire department is okay with the buildings.

John Wilson asked Steve High if there were any comments from the County. Steve explained that there was not a quorum for a portion of the meeting and the County Planning

Board did not discuss or make comments about this application. The comments from the other departments had been returned to the Zoning Board.

John opened the board discussion and then went through the 5 criteria of consideration. The board members agreed that there was not another means feasible for the benefit to be achieved. They discussed if there was going to be an undesirable change. James Smith mentioned that there would be a change as this was multi-family and John Wilson clarified that the Board was only considering the height request. There was discussion among the board members and Floyd regarding the task before the Board and 5 items to consider while making the decision. Floyd also confirmed that there are houses on Rosewood with peaks higher than 33ft and that due to the nature of multifamily homes and the requirement to have sprinklers, the extra height would be needed to allow this. The board members confirmed that they did not think this would be an undesirable change. The Board confirmed that the request was not substantial as it is a 10% variance. The board members agreed that there would not be adverse physical or environmental effects. The Board agreed the difficulty was not self-created due to the need for sprinklers.

Motion made by John Robbins to grant the variance as requested. 2nd by Phillip Ilacqua.
Roll Call Vote:

James Smith – Grant

John Robbins – Grant

John Wilson – 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 feet.

Chas Pitifer presented to the Board. He stated that he had changed his plans and was withdrawing the request for a front setback variance. The new proposed location is 40 ft from the adjacent property. He passed a new picture of the site to the Board. He is still requesting a variance for the structure to be in the front lawn. He reviewed his request with the board members, explaining the location of his house relative to the neighboring properties, gave examples of other homes with structures in the front/side yards, and went over the flooding issues on his property.

John Wilson asked if any board members had questions. He confirmed with Floyd that at the last meeting Floyd had stated there were other possible locations on the property where the garage could be built without a variance. Chas explained the cost that would be associated with building in another location and why it was not a feasible option. A member of the public wished to speak and John Wilson explained that the Public Hearing had been closed at the last meeting. He led the Board through the 5 considerations. It was agreed that the benefit could be achieved by other means, although it would be with an added expense. There was a discussion as to whether or not it would be an undesirable change to the neighborhood. It was agreed that because it would be in the front yard it would be an undesirable change. It was agreed that it is a substantial request at a 100% variance. The Board determined it would not cause an adverse

physical or environmental effect. The board members agreed the hardship was self-created due to the desire to build the garage.

There was discussion between the Board and Floyd regarding the water issues in the area and the steps the Town had taken to improve the flow.

Motion made by John Robbins to deny the request due to the fact that 4 out of 5 of the criteria were not met. 2nd by James Smith.

Roll Call Vote:

James Smith – Deny

John Robbins – Deny

John Wilson – Deny

Phillip Ilacqua – Deny

Robert Rose – Deny

Motion carried.

Informal Presentation – Special Use Permit Modification and Area Variance Big Alice Brewery – ZB2021-006

The applicant is requesting a modification to the Special Use Permit previously issued for the property. They are looking to have live music outside. They are also looking for an area variance to build decks in the side yard and front yard of the property. Kyle Hurst presented the request to the Board. He gave a brief history of the brewery and explained that the Planning Board had approved the site plan last week. He went over the new plans for the building highlighting the areas that a variance was needed for.

Floyd spoke to the Board and explained that the previous Special Use Permit that was issued to Gael Brewery did not allow live music. This is consistent with other winery/breweries that have been approved in the area. He highlighted Brewery Ardennes and White Springs Winery.

Board members asked questions regarding the site and where items would be located. There was a discussion regarding how much land was available in the rear and their plans for that area. There was discussion regarding the traffic and how much an increase they would expect to see after these changes are made. They would not expect much of an increase over the current traffic. The Board also asked if this would be seasonal use and the Kyle went over what the plans would be in the winter.

Motion made by John Wilson to set the Public Hearing for the Zoning Board meeting scheduled for August 24, 2021. 2nd by John Robbins. All in favor, motion carried.

Meeting Minutes from June 22, 2021

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

Steve High's Report

Steve explained that the County Planning Board only had a quorum for a portion of the meeting and mentioned that there are currently 7 vacancies on the board.

Other Business

Floyd informed the board members that the Planning Board had requested that he talk to the Town Board about revisiting the speed limit concerns on State Route 14 and asked if this board would like to add to that request. There was a discussion about the continued development in the area and future plans. Motion made by John Wilson to ask Floyd to speak in support of

speed limit changes on behalf of the Zoning Board. 2nd by John Robbins. All in favor, motion carried.

Floyd updated the Board on upcoming projects. CCMI is building a 15,000 square foot building on State Route 14 N across from Vance.

There is a new application for the old Cheribundi building from Real Eats. They have grown substantially in the past 3 years and need to expand from their current facility.

There is a new owner of the old Alison's building and they are working on different options with Floyd.

There was further discussion among the Board and Floyd regarding the speed limit on State Route 14 and the steps that could be taken if the request was denied again by the state.

Robert Rose asked about the models being built at Bay Heights. Floyd explained that these were previously approved lots. Phase III has not been approved yet and is still being worked on. He confirmed that the model homes would be able to connect to water/sewer and that the road from Turk for Phase III would be a town road.

Motion made by Phillip Ilacqua to close the meeting with a 2nd by John Wilson. All in favor. Motion carried at 7:17 pm.