

**Town of Geneva  
Zoning Board  
March 26, 2019**

Present: James Smith, John Robbins, John Wilson, Douglas Roll, and Phillip Ilacqua

Staff: Floyd Kofahl, Code Enforcement Officer, Amy Naegele, Clerk of the Board

Others present: Steve High, Patrick Cardinale, Neal Braman

Chair John Wilson called to order at 7:00 pm.

**Pledge of Allegiance**

**Regular Meeting  
Continuation**

**Tru Lawn Care ZB 2019-002**

The applicant wishes to have a New Business for raw topsoil storage and screening operations. The vacant parcel is located in the Town of Geneva Zoning District R-2 Residential Rural District. This Zoning District does not allow for this type of business. The Town Zoning District I-1 General Industrial District is where this type of business is allowed. This was held over to give the applicant time to address some of the concerns the Zoning Board had and to provide further information to justify the four criteria.

Code Enforcement Officer Floyd Kofahl informed the board members that the County had reported back that this was a non-application for them and not something they reviewed.

The applicant, Pat Cardinale, presented the board with new information. He went into detail regarding the options and costs of using the lot for an approved use. He provided the board with estimates of return for a variety of approved uses and gave the board financials supporting the amount that he has spent on the property thus far, including costs of improvements. The board asked for more specific financial information regarding the use of the property for a roadside stand or a cemetery.

Pat also explained why his situation was unique and the uniqueness of the lot in regards to dimensions and linear road frontage compared to other lots in the Town. He explained why the proposed site would not alter the character of the neighborhood and his plans to build buffers on the site. The board members asked questions regarding current truck traffic to other industrial sites in the area. Douglas Roll recalled a prior meeting where truck traffic had been raised as an issue. Floyd commented that the initial call he took about the site was in regards to the number of trucks visiting the property and the visibility of the road. The applicant explained to the board that he would be willing to change the location of the driveway if needed. He also reexplained why he felt this hardship was not self-created and why he had waited to go through the approval process.

Floyd reviewed the comments that he had received from the Town Attorney, Jeff Graff, in response to the request from the Zoning Board at the February 2019 meeting. He emphasized that the lack of return for the first criteria must be substantial and that the Zoning Board should review all options in detail. He also advised on the change to the essential character of the neighborhood and that the Zoning Board would need to define the neighborhood and then

support the reasonableness of their decision. He spoke of different types of court cases where sites were found to alter the essential character of the neighborhood. Floyd relayed that the attorney had advised when comparing to agricultural neighborhoods, one should keep in mind that farmers have right-to-farm laws that others are not entitled to. The Town Attorney also advised on if the Zoning Board could give an applicant a specific period of time to bring a site into compliance if a variance was denied, which they cannot. Floyd also advised that any member of the Zoning Board was welcome to contact Jeff Graff directly if they wanted.

The board members discussed with Floyd options for conditions that could be made, if a variance was granted. The Board explained to the applicant what additional information they would like to see, including a site plan with setbacks and berm elevation. They also requested information on using the site as a 4-acre residential lot instead of attempting to subdivide. Steve High added that the County did make the comment that if this were to get to the point of Site Plan Approval, a storm water management system would need to be addressed.

John Wilson confirmed that the board members did not have any further questions. Motion made by Douglas Roll to hold over to the next regularly scheduled Zoning Board Meeting with a 2<sup>nd</sup> by John Robbins. All in favor. Motion Carried.

The board members briefly discussed with Floyd and the applicant the timing of everything moving forward.

### **Meeting Minutes from February 26, 2019**

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

### **Other Business Training**

Floyd went over training items that he included in the board members' packets. Talked about the upcoming Genesee Regional Training in Batavia. Also mentioned the training website and getting certificates for completed courses.

### **Seneca Turk Resort PUD**

Floyd went over the progress of the PUD. The applicant will be before the Zoning Board at the April Meeting due to a portion of the site being in the Lakeview Overlay District.

### **Geneva Crossing PUD**

This will not be coming before the Zoning Board but Floyd provided an updated on the current process and proposed phases.

### **Town Side at Pre Emption**

Floyd invited any of the board members who would like to visit the site to set up a time with him and he can take them through. Provided an update on the progress.

Motion made by Douglas Roll to close the meeting with a 2<sup>nd</sup> by John Robbins. All in favor. Motion carried at 8:10 pm.