

**Town of Geneva
Zoning Board
October 22, 2019**

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

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

Others present: Jim Bennett, Michelle Piccolo, Ralph Piccolo, Gordon Wheeler, Mary Alice Wheeler, and Ryan Brandt

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

Pledge of Allegiance

**Public Hearing
Town Side at Pre-Emption ZB010-2019**

This is for a Sign Variance on the Location of Town Side at 820 Pre-Emption Road. The Town Code 165-62. R-5 Residential Districts, D. States: No representational sign shall have an aggregate total face area exceeding 12 square feet, shall not exceed five feet in height, and shall be no nearer than 10 feet to any property line.

Ryan Brandt, from Rochester Cornerstone Group, presented the request to the Board. He went over the reasons for the area variance request, explaining that on the original plans they did not realize the how difficult it would be to see the sign where they had planned on placing it. He discussed concerns about delivery drivers not being able to easily locate the entrance and safety concerns with people braking quickly. The requested placement of the sign would put it in a Town of Geneva Easement. He then explained the request for the size variance, going over the information they had decided they wanted to include on the sign.

John Wilson confirmed the location of the sign placement request and the distance. The applicant is wishing to place the sign 4 feet from the right-of-way instead of 10 feet. There was also a discussion regarding why they had just requested this variance and why it had not come up in their original plans. The Board questioned if the sign could be shrunk to fit the size requirements and include the information the applicant wanted.

John Wilson confirmed with Floyd that he had not received any written comments and then asked for comments from the public. Ralph Piccolo shared his thoughts. Ralph lives just north of the driveway. He shared his experience thus far with the applicant and stated that he had been against the project from the beginning. He spoke against approving a larger sign. He also questioned if there would be any lighting on the sign. Ralph mentioned a noise ordinance and speed limit, to which Floyd requested he email him on. John Wilson confirmed there was no one else from the public wishing to speak.

Floyd explained some confusion at the County Planning Board as to whether County Road 6 is a tourism travel corridor. He also confirmed that the County Highway Department and Town Water & Sewer Department are okay with the location of the sign. He also explained that

due to the road being widened in the past, there are multiple signs on the road that are closer to the road than what the applicant is requesting.

Steve High went into greater detail regarding the tourism travel corridor classification and there was a discussion on how County Road 6 could be added to the list and also how it affects this request.

John Wilson questioned the applicant regarding lighting for the sign. Ryan Brandt confirmed that although on the original site plan, lighting had been decided against and is not requested on the permit. John Wilson closed the Public Hearing.

The Board discussed the 5 points of an area variance for each variance requested. They first discussed the size variance requested, agreeing that the applicant could achieve their benefit by another means, it would not be an adverse change to the neighborhood, it is a substantial request, it would not have a physical/environmental effect, and that the alleged difficulty is self-created. The board members discussed other signs on the road and the information that had been added to the sign that made it bigger.

The Board then discussed the area variance in relation to the setback. They agreed that it could not be achieved by another means, it would not be an undesirable change, it is a substantial request, it would not have a physical/environmental effect, and that the alleged difficulty is not self-created due to the layout of the site.

Motion made by Douglas Roll to grant the setback variance of 6 feet as proposed. 2nd by John Robbins.

Roll Call Vote:

James Smith – Grant

John Robbins – Grant

John Wilson – Grant

Douglas Roll – Grant

Phillip Ilacqua – Grant

Motion Carried.

Motion made by Douglas Roll to deny the area variance for the size of the sign. 2nd by John Robbins.

Roll Call Vote:

James Smith – Deny

John Robbins – Deny

John Wilson – Deny

Douglas Roll – Deny

Phillip Ilacqua – Deny

Motion Carried.

Public Hearing

LaFaro Property ZB011-2019

Floyd explained to the Board that the applicants were unable to send representation to the meeting. He made the suggestion that the Board hear any comments from the public and continue the Public Hearing to the next meeting.

John Wilson asked if there were any members of the public wishing to speak. Gordon Wheeler, who lives at 4804 West Lake Road, just north of the property, shared his concerns. He discussed privacy concerns explaining that the lots are very small and went over how it would affect their house if the side setback was granted. He also expressed concerns regarding drainage issues and increased runoff, explaining issues they have had in the past. He mentioned potential concerns with the septic location as well. His wife, Mary Alice Wheeler also spoke. She expressed concerns with granting the variance and then in the future someone wanting to do the same thing on the other side of them, as all three lots are small.

Jim Bennett, LaFaros' current neighbor to the south, also wished to speak. He agreed with the Wheelers that drainage can be an issue and praised the work they had done on the

property since they purchased. He also explained that he had originally been against them building on their own site, for the precedence it could start when others also wanted to build on one of these small sites. For this reason, he stated his opinion being that the LaFaros should be allowed to build on their site as well, for consistency.

The board members discussed the variances being requested, the location of the site and whether the LaFaros owned the property before the Code changes were made. John Wilson confirmed the Public Hearing would be held open until the next Zoning Board meeting.

Meeting Minutes from May 28, 2019

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

Other Business

Fox Property

Floyd updated the Board on the decision made by the Appellate Court, how this affects the property going forward, and the Town's plan to appeal to the State Appellate Court. The board members discussed what still would need to come before them.

Town Side at Pre Emption

Floyd provided an update on the progress and stated they are expecting all units to be filled by Thanksgiving.

Geneva Crossing

The Medical Office Building has a planned occupancy date of December 9th. The 80-unit apartment building will be started in March.

Motion made by Douglas Roll to close the meeting with a 2nd by John Wilson. All in favor. Motion carried at 7:43 pm.