

**Town of Geneva  
Zoning Board  
September 22, 2020**

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: Tim Thurley, Phil Thurley, Marge Thurley, Chuck Smith

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

**Pledge of Allegiance**

**Public Hearing  
Thurley Property ZB2020-008**

Mr. Thurley is looking to combine two lots and build an addition on the current home. The proposed addition will need a rear setback variance and side setback variance.

Tim Thurley presented the request to the board members. He explained that the current cottage is dated and the stairs required to access it are steep and narrow. By combining the two lots and building a flatter addition with street level access it will allow his parents, the owners, to continue to access the property and enjoy the lake. To allow the addition to keep in line with the current cottage, to allow the steps to be redone, and to have enough usable living space they are asking for a side setback of 10.75 feet and a rear setback of 4 feet 1.75 inches.

The Board asked questions regarding the new stairs and the rear setback. Tim showed the Board the new step location on the plans. Chuck Smith, the architect for the project, also spoke to the board members regarding the steps. Douglas Roll questioned the septic and the stormwater concerns from the County. The applicant confirmed that the septic was an aerobic system and was sized for the addition and Floyd explained that they would actually be improving the stormwater runoff of the overall site.

John Wilson asked if there were other questions from the public. Floyd shared that two letters had been received from neighbors. One neighbor had initial concerns but confirmed these concerns had been addressed by the Thurleys and they no longer have any objections. The other neighbor did not have any concerns. These letters are on file in the Zoning Board file. Floyd also explained to the Board that the lot in question was already a pre-existing nonconforming lot. The lot coverage and drainage will be improved by the project. He confirmed that the board members' consideration for the variances should be to the pre-existing nonconforming setback measurements, not the current code requirement. John Wilson confirmed with Floyd that the current cottage has a 14.1 foot setback and that if the addition had been that or more, there would not have been a need for a variance.

Steve High shared the County's comments and recommendation. This was an AR5 review which the county sent back with a recommendation of denial. They did comment that the Board is encouraged to grant only the minimum variance necessary.

Chuck Smith added that if they knocked 10 feet off of the addition to match the current setback, there would not be enough usable living space.

Motion made by John Wilson to close the Public Hearing with a 2<sup>nd</sup> by Douglas Roll. Public Hearing closed.

John Wilson opened the Board Discussion. The board members questioned if there was another way to design the stairs. and reviewed the pictures provided by the applicant. Tim Thurley explained the photos to the Board and explained that the addition would not be blocking any views for the neighbors and showed how the shore moved in on the lot with the proposed addition. There was discussion regarding the retaining wall, and the space from the proposed addition to the wall. Floyd confirmed that there was enough walking space as required.

John Wilson confirmed with Floyd that they are considering a variance from the current setback of the cottage, which would be approx. a 10 foot variance. Floyd confirmed this. John then led the Board through a discussion of the 5 criteria for an area variance. It was agreed that the benefit could not be achieved by other means feasible while remaining practical. It was agreed that there would not be an undesirable change to the neighborhood, noting that the lot density would actually be improving. The side setback requested was ruled as not substantial and the rear setback requested was ruled as substantial. It was agreed that there would not be adverse physical or environmental effects. There was a brief discussion of the septic system, the date of install, and the location of the leach field. Floyd confirmed that everything had been approved and was sufficient for the addition. It was agreed that the alleged difficulty is self-created as it is the applicant's desire to build on the lot. John asked if there were any other questions or a motion.

Motion made by Douglas Roll to grant the side setback and rear setback as requested. 2<sup>nd</sup> by John Robbins.

Roll Call Vote:

James Smith – Grant

John Robbins – Grant

John Wilson – Grant

Douglas Roll – Grant

Phillip Ilacqua – Grant

Motion Carried.

### **Meeting Minutes from August 25, 2020**

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

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

Steve shared information regarding an email about training opportunities. Floyd confirmed that he had forwarded to the board members. There was a discussion regarding upcoming training opportunities and the requirements for the year.

### **Other Business**

#### **BJ's PUD**

Floyd updated the Board on the PUD that has been approved at the old BJ's location and the plans for a temperature controlled mini storage.

### **Ardennes Brewery**

The Planning Board approved the Site Plan for Ardennes Brewery on Snell Road at their last meeting. They are looking to begin construction as soon as they are able.

### **Geneva Solar Village**

The Planning Board approved the Site Plan for Geneva Solar Village on Carter Road at their last meeting. They still need Health Department approval for the water and sewer. Floyd is not sure when construction will begin. Floyd also shared information regarding the Planning Board's concern for the need of a sidewalk on Carter Road and the resulting actions and plans from that.

### **Other**

Floyd also updated the Board on the Budget procedure that has begun, recent COVID updates, and updates regarding Short-Term Rental Permits in the Town of Geneva. There was a discussion regarding out-of-state visitors at Short-Term Rentals and that it is Public Health that is the contact agency for any issues.

Floyd also provided updates on two applications that will be before the Board next month.

There was a discussion regarding the Peck Electric sign on State Route 14.

Motion made by John Robbins to close the meeting with a 2<sup>nd</sup> by John Wilson. All in favor. Motion carried at 7:25 pm.