

Village of Geneseo Zoning Board of Appeals

Public Meeting

Property Address: 4162 Lakeville Rd / McDonald's USA, LLC

Tax Map#: 81.14-1-4.2

October 4, 2023 @ 4:30pm

Members Present:

Carolyn Meisel, Chair
Tom Wilson, Member
Gretchen Crane, Member
Robert Meyers, Member

Other Village Representatives Present:

Shawn Forrester, Deputy Clerk/Treasurer
Craig Wadsworth, Code Enforcement Officer

Excused:

Paul Schmied, Member

Public/Applicant(s) Present:

Allen Hawley, Reservoir Road
Rocco J. Dragani, 86 Court Street
Charles Salvaggio, 86 Court Street
Louise Wadsworth, Liv Cty Development
Randy Bebout, Bohler Engineering

Andy Follman, 96 Court Street
Andrew Vieira, 96 Court Street
Sarah DeVito, 86 Court Street
Vicki Di Franco, Long Point
Joe Di Franco, Long Point

4:30pm Chair Meisel called the Board to order. The August 2, 2023, minutes were reviewed. Member Crane moved to approve the minutes as presented. Member Wilson seconded. With no further discussion, corrections, or additions, the minutes were approved with ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

The Public Hearing was opened at 4:35pm, followed by the Board introducing themselves. It is noted Paul Schmied is excused but there is a quorum. It is also noted that all proper notices were sent via US Mail, return receipt, as well as published in the Livingston County Newspaper, as follows; Notice is hereby given, that a public hearing will be held by the Zoning Board of Appeals of the Village of Geneseo on October 4, 2023 at 4:35 p.m., in the Geneseo Building, 119 Main Street, Geneseo, NY, on the following matter: Appeal by McDonalds USA, LLC, represented by Randy Bebout, Bohler Engineering, of a decision of the Code Enforcement Officer and application for sign variance when the Village Code of Geneseo does not permit said signs. The applicant is seeking permission to erect two new digital signs in the existing drive thru lanes that fail to meet Section 130-91 – Prohibited signs, J- signs that utilize electronic changeable copy and any other portions of Village Code which may apply. The request is for property located at 4162 Lakeville Rd., Tax Map # 81.14-1-4.2 in the Village of Geneseo, N.Y.

Randy Bebout of Bohler Engineering is present to represent McDonalds, he apologizes that the owner, Joe Ferrino, was unable to make it. He explained that McDonalds (corporate) no longer supports the nondigital type sign that the store has in its drive-thru lane, and it is quite expensive and a hardship to have panels custom made for it. He states that Mr. Ferrino has put off updating the sign due to Village Code restrictions. Mr. Bebout continued that he appeared before the Village Board on July 10, 2023, in hopes of having the Village Code updated. He then explained that technology had changed since the signs were first introduced. Some of the changes would be the signs are dark in the evening thus eliminating glare and brightness for the neighbors. The proposed signs would be static and not animated. The existing sign is 42 Sq ft the new signs would be 24 sq ft. They would like to add two pre-browsing menu boards, none of the proposed signs would have any branding. Discussion continued with the two pre-browsing boards and the square foot increase with that addition. Mr. Bebout contacted Mr. Ferrino via text, it was relayed that Mr. Ferrino was willing to forgo the two extra pre-browsing boards.

At this time Chair Meisel opened the floor to the public. Allen Hawley stated that he lived directly across from the existing sign and welcomed the idea of having a sign that would be dark at night as the light from the existing sign shines right through his front picture window. He would be very much in favor of allowing the variance.

There is much discussion regarding the proposed screen; if there were light sensing sensors, scrolling or flashing, could/would be turned off at close. The discussion continued with the spirit of the code and new technology. It is noted that the closest neighbor spoke out in favor of the new signs. Hearing no more comments, Chair Meisel closed the floor to the public.

At this time the Board discusses the five-area variance questions and code, at length. Discussion continues with the previous site plan to remove the second drive-thru lane and whether a new site plan would be required to proceed. It is decided that the Board needed more information. Member Wilson moved to table the hearing until November 1, 2023. Member Meyers seconded. With no further discussion the motion passed with ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers. Member Meyers moved to close the public hearing. Member Crane seconded. With no further discussion the public hearing closed at 4:54pm with ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

*Shawn Forrester
Deputy Clerk/Treasurer*

Village of Geneseo Zoning Board of Appeals

Public Meeting

Property Address: 96 Court Street / Geneseo Self-Storage, LLC

Tax Map#: 80.7-1-41

October 4, 2023 @ 4:30pm

Members Present:

Carolyn Meisel, Chair
Tom Wilson, Member
Gretchen Crane, Member
Robert Meyers, Member

Other Village Representatives Present:

Shawn Forrester, Deputy Clerk/Treasurer
Craig Wadsworth, Code Enforcement Officer

Excused:

Paul Schmied, Member

Public/Applicant(s) Present:

Rocco J. Dragani, 86 Court Street
Charles Salvaggio, 86 Court Street
Louise Wadsworth, Liv Cty Development
Andy Follman, 96 Court Street

Andrew Vieira, 96 Court Street
Sarah DeVito, 86 Court Street
Vicki Di Franco, Long Point
Joe Di Franco, Long Point

Chair Meisel opened the Public Hearing at 5:15pm. It is noted that all proper notices were sent via US Mail, return receipt, as well as published in the Livingston County Newspaper, as follows; Notice is hereby given, that a public hearing will be held by the Zoning Board of Appeals of the Village of Geneseo on October 4, 2023 at 4:35pm on the following matter: Appeal by, Andrew Follman, of a decision of the Code Enforcement Officer and application for: three area variances for an addition that fails to meet the front setback by 20', a side setback by 5' and an additional side setback by 9' per the C-1 Zoning District Bulk & Use Table 130-131 and any other sections of the Village Code which may apply on the property located at 96 Court Street, Tax Map Id.# 80.7-1-41 in the Village of Geneseo, N.Y.

Andrew Follman and Andrew Vieira were present representing Geneseo Self-Storage. Mr. Follman explained that they wanted to add onto the existing building located at 96 Court Street to create non-climate-controlled storage units. He continued with they had already been granted approval by the Planning Board for climate-controlled storage at 112 Riverside Drive

and would like to extend the operation to this portion of the property. Discussion continues with setbacks and where the additions will be.

At this time Chair Meisel opens the hearing to the public. Hearing no questions or comments. The Board discusses and answers the five area variance questions.

(1) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the area variance?

Chair Meisel: No. Will improve it.

Member Crane: No. They are looking to improve the existing structure.

Member Wilson: No. Most likely an improvement

Member Meyers: No. Already a commercial area.

(2) Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

Chair Meisel: No. This is a strange-shaped lot that can be used if given variances.

Member Crane: No. They need the variance to achieve the additional ground level storage.

Member Wilson: No. Needs the extra storage units, lot is strange shaped.

Member Meyers: No. Not if the applicant wants more storage.

(3) Is the requested area variance substantial?

Chair Meisel: No. Continued other lines of existing building.

Member Crane: No. It is a continuation of the existing proposal.

Member Wilson: No. Continuation of existing building.

Member Meyers: No. Not given the size of the property.

(4) Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Meisel: No.

Member Crane: No. The area is commercially occupied.

Member Wilson: No. Should be an improvement with new siding.

Member Meyers: No. Already a commercial area.

(5) Is the alleged difficulty self-created? (Which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.)

Chair Meisel: Yes.

Member Crane: Yes. They are looking to add more storage.

Member Wilson: Yes. Could leave only the existing building.

Member Meyers: Yes. Because applicant wants additional storage.

Member Wilson moved to approve the area variances as presented for 96 Court Street.

Member Meyers seconded. With no further discussion the motion passed with ayes from ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

Member Crane moved to close the public hearing. Member Meyers seconded. With no further discussion the hearing closed at 5:27pm with ayes from ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

*Shawn Forrester
Deputy Clerk/Treasurer*

Village of Geneseo Zoning Board of Appeals

Public Meeting

Property Address: 86 Court Street / The Drumroll

Tax Map#: 80.8-1-7

October 4, 2023 @ 4:30pm

Members Present:

Carolyn Meisel, Chair
Tom Wilson, Member
Gretchen Crane, Member
Robert Meyers, Member

Other Village Representatives Present:

Shawn Forrester, Deputy Clerk/Treasurer
Craig Wadsworth, Code Enforcement Officer

Excused:

Paul Schmied, Member

Public/Applicant(s) Present:

Rocco J. Dragani, 86 Court Street
Charles Salvaggio, 86 Court Street
Louise Wadsworth, Liv Cty Development
Andy Follman, 96 Court Street

Andrew Vieira, 96 Court Street
Sarah DeVito, 86 Court Street
Vicki Di Franco, Long Point
Joe Di Franco, Long Point

Chair Meisel opened the Public Hearing at 5:28pm. It is noted that all proper notices were sent via US Mail, return receipt, as well as published in the Livingston County Newspaper, as follows; Notice is hereby given, that a public hearing will be held by the Zoning Board of Appeals of the Village of Geneseo on October 4, 2023 at 4:45pm on the following matter: Appeal by, Chuck Salvaggio, of a decision of the Code Enforcement Officer and application for: an Use Variance to operate as a Bar/Tavern/Restaurant/Music Venue per the R-3 Residential Zoning District Bulk & Use Table 130-131 and any other sections of the Village Code which may apply AND Area Variances for a porch addition that fails to meet the front setback by 4.5' and the side setback by 1.7' on property located at 86 Court Street, Tax Map # 80.8-1-7 in the Village of Geneseo, N.Y.

Chuck Salvaggio and Sarah DeVito are present to explain the variance requests. Mr. Salvaggio first tells the Board about his vision for the property and the work that has been done, including cleaning up the outside. He then introduces the history of the property; it has been a venue since 1937. He believed the property was grandfathered as a bar/restaurant. The owner continued to have the building serviced and inspected. He continued with the astronomical cost involved in converting the building into residential use and a rental would not be a wise investment as most landlords are struggling right now.

Chair Meisel opened the floor for public comments.

Rocco Dragani, the owner of the property, addressed the Board and said believed the building to have a grandfathered bar/restaurant use and had maintained a valid operating permit. He continued that the use was not abandoned it was still an event space it just didn't serve alcohol.

Louise Wadsworth spoke to the fact that this blighted building is within the gateway into Geneseo and Livingston County and having a thriving venue would be a positive thing.

Chair Meisel closed the public portion of the hearing.

The Board discusses at length the space, parking, and traffic, as well as five use variance questions. Their answers are as follows.

1.The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence.

Chair Meisel: Yes. \$850,00 would be needed to make habitable for rental.

Member Crane: Yes. The cost to transform the space into another use would be upwards of \$850,000.

Member Wilson: Yes. Converting to a residential would be cost prohibitive.

Member Meyers: Yes. Investment would be exorbitant to turn the building into a residential property.

2. Is the alleged hardship, relating to the property in question, unique and does not apply to a substantial portion of the district or neighborhood?

Chair Meisel: Yes. It has existed on this location for generations and is part of the neighborhood.

Member Crane: Yes. The structure has always been used as a bar/restaurant. The district has always included this property.

Member Wilson: Yes. No other similar establishment in the neighborhood. Building has always been an entertainment venue.

Member Meyers: Yes. This is the only property that is in a residential area that has been a commercial property for over 60 years.

3. Will the requested variance, if granted, alter the essential character of the neighborhood?

Chair Meisel: No. The neighborhood has not changed. This structure has also been here.

Member Crane: No. The neighborhood is as it's always been.

Member Wilson: No. Neighborhood remains the same. Some visual improvement as well.

Member Meyers: No. As presented it should improve the neighborhood.

4. Is the alleged hardship self-created?

Chair Meisel: No. It is a continuance of what has always been here.

Member Crane: No. They are looking to use the building as it always has been.

Member Wilson: No. The building has always been an entertainment and bar venue.

Member Meyers: No. Building has been commercial for over 60 years.

5. Will the variance afford the least intrusive solution?

Chair Meisel: Yes.

Member Crane: Yes. The property has been a commercial property since the beginning of its existence.

Member Wilson: Yes. Improves the neighborhood.

Member Meyers: Solution provides multiple benefits to the community.

Member Crane moved to approve the use variance for 86 Court Street, The Drumroll, to operate as a bar/tavern/restaurant/music venue. Member Meyers seconded. With no further discussion the motion passed with ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

The Board then discusses the proposed area variance. CEO Wadsworth noted that the addition will make the building more compliant with the Americans with Disabilities Act.

The Board then answers the five area variance questions.

(1) Will an undesirable change be produced in the character of the neighborhood or will a detriment to nearby properties be created by granting the area variance?

Chair Meisel: No. Change to make ADA compatible.

Member Crane: No. The deck would enhance the look of the building.

Member Wilson: No. Minor changes to the exterior entrance.

Member Meyers: No. Will improve the character given the plans for the building.

(2) Can the benefit sought by the applicant be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

Chair Meisel: No. No more land.

Member Crane: No. They need the variance to be able to build.

Member Wilson: No. No Room.

Member Meyers: No. Already a tight footprint.

(3) Is the requested area variance substantial?

Chair Meisel: No.

Member Crane: No.

Member Wilson: No. The building was built many years ago.

Member Meyers: No. Minor numbers given the use variance approval.

(4) Will the proposed area variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?

Chair Meisel: No.

Member Crane: No. The district is mixed use already.

Member Wilson: No. Improvement.

Member Meyers: No. Will improve the neighborhood.

(5) Is the alleged difficulty self-created? (Which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.)

Chair Meisel: Yes.

Member Crane: Yes. They are choosing to add the deck.

Member Wilson: Yes. Could leave the old steps.

Member Meyers: Yes. Given the planned use for the property.

Member Wilson moved to approve the area variance for 86 Court Street. Member Crane seconded. With no further discussion the motion passed with ayes from ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

Member Crane move to close the public hearing. Member Wilson seconded. With no further discussion the public hearing closed at 6:12pm with ayes from ayes from Chair Meisel, Member Wilson, Member Crane, and Member Meyers.

*Shawn Forrester
Deputy Clerk/Treasurer*