

October 15th, 2024, at 6:00pm | Mount Morris Town Hall | 103 Main Street, Mount Morris NY

Present: Kevin Fahey, Zoning Board of Appeals Board Chairman; Board Members Lauren Berger, Amy Ceronie, and Chad Woodworth; Kaylee Leone, Board Secretary

Excused: Board Member Shawn Forrester

Others Present: Community members Nicholas Shea, Justin Megliore, Stephen Megliore, and Patricia Megliore

CALL TO ORDER

Chairman Kevin Fahey called the meeting to order at 4:33 pm, and led those in attendance in reciting the Pledge of Allegiance.

APPROVAL OF MINUTES

The board reviewed the provided minutes from the August 12th, 2024, meeting. A motion to approve the August 12th, 2024, meeting minutes as written was introduced by Amy Ceronie and seconded by Chad Woodworth, and was voted on by members as follows:

Aye: 3 (Ceronie, Fahey, Woodworth)

No: 0

Abstain: 0

The motion was carried.

REVIEW OF VARIANCE APPLICATION – TOWN OF MOUNT MORRIS

Chairman Kevin Fahey explained that community member Justin Megliore is hoping to add a 20ft x 30ft addition to the existing structure on his 3122 Mount Morris Geneseo Road parcel. Chairman Fahey explained that the applicant's parcel lies both within a B-1 district and the Eastern Gateway Overlay District. These districts require a 20ft side setback. The applicant's proposed plans show an approximate 2ft side setback. Chairman Fahey added that though there is a 2ft side setback shown to the neighboring parcel, both parcels are owned by the applicant and are not currently conveyed as one parcel as the applicant has mortgages with separate lenders for each parcel.

Chairman Fahey asked if the applicant would like to add any additional details for the board to consider. Justin Megliore asked what the process would be to combine the lots in the future, to which Chairman Fahey explained that the Joint Village and Town Planning Board could assist him with completing a lot line adjustment.

Chairman Kevin Fahey explained to the applicant that his application materials will need to be sent to the county for public comment and will be returned to the Zoning Board of Appeals to conduct a public hearing. Should the board approve a variance, the applicant would then be able to continue with his planned build.

Chairman Kevin Fahey also advised the applicant that he will need to notify neighboring lots prior to the Public Hearing but that the board would not be able to set the date of the Public Hearing until comment is received back from the Livingston County Planning Department.

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Board member Lauren Berger entered at 4:45 pm.

Secretary Kaylee Leone advised the applicant that she would keep him updated on the process and would let him know when the Public Hearing is set.

Chairman Kevin Fahey opened the Public Hearing for Nicholas Shea's 7783 Dutch Street Road's acreage and lot coverage variance applications at 4:55 pm.

Chairman Kevin Fahey asked the applicant if he sent notices to the property owners whose parcels are within 500ft of the applicant's property. Nicholas Shea stated that he hadn't heard back from Town Code Enforcement Officer Shawn Grasby to get the list of property owners and their respective addresses.

Chairman Kevin Fahey asked the applicant if his subdivision to add acreage to his parcel had been approved by the Joint Town and Village of Mount Morris Planning Board since his last appearance before the Zoning Board of Appeals, to which Nicholas Shea confirmed. Mr. Shea asked if he would need to return to the Zoning Board of Appeals should he wish to add a garage or barn to his property, to which Chairman Fahey confirmed as he would be further exceeding the allowable lot coverage requirements. Chairman Fahey stated that the board could not get further clarification from Town Code Enforcement Officer Shawn Grasby on whether gravel counts against the lot coverage calculations in the Town Code. The applicant asked if this meant that if he paved his driveway, he'd be further increasing his lot coverage, to which Chairman Fahey confirmed.

The board reviewed the surveys and plans for the applicant's proposed addition and agreed that though more of the lot is being covered more land has been added through Mr. Shea acquiring a piece of his neighbor's land and conveying it onto his parcel.

Chairman Kevin Fahey lead the board in answering the five questions

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

Board Member Berger: No – The property is surrounded by farmland, and the proposed addition and variances sought will not change the character of the surrounding neighborhood

Board Member Ceronie: No – The property is surrounded by farmland, and the proposed addition and variances sought will not change the character of the surrounding neighborhood

Board Member Woodworth: No – The property is surrounded by farmland, and the proposed addition and variances sought will not change the character of the surrounding neighborhood

Chairman Fahey: No – The property is surrounded by farmland, and the proposed addition and variances sought will not change the character of the surrounding neighborhood

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

Board Member Berger: No – The applicant has taken additional steps to make his lot coverage closer to the allowable coverage set forth within the Town Code, even with the proposed addition considered

Board Member Ceronie: No – The applicant has looked into alternative ways to try to conform with the Town Code's requirements

Board Member Woodworth: No – The addition that the applicant seeks to build is an improvement on the property

Chairman Fahey: No – The applicant has made strides to add onto his parcel size, which was initially purchased as a pre-existing non-conforming lot with regard to acreage

3. Is the requested area variance substantial?

Board Member Berger: No – The size of the proposed structure is only 14ft by 22ft

Board Member Ceronie: No – The size of the proposed structure is not so large that it will negatively impact neighbors

Board Member Woodworth: No – The proposed addition is going to consume the same footprint as a preexisting structure that will be removed

Chairman Fahey: No -

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4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or school district?

Board Member Berger: No – The proposed addition is not going to negatively change the environment for neighbors

Board Member Ceronie: No – The proposed structure will not negatively impact neighbors

Board Member Woodworth: No

Chairman Fahey: No – The additional lot coverage is minimal

5. Is the alleged difficulty for the applicant self-created? (This consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance)

Board Member Berger: No – The issues with coverage and acreage were pre-existing

Board Member Ceronie: No – The issues with coverage and acreage were pre-existing, and the applicant has made attempts to address both

Board Member Woodworth: No – The problems with coverage and acreage were pre-existing

Chairman Fahey: No – The pre-existing non-conforming nature of the acreage of the parcel has been an issue since the parcel was purchased

A motion to close the Public Hearing for variances associated with Nicholas Shea’s 7783 Dutch Street Road parcel was made by Amy Ceronie and was seconded by Chad Woodworth, and was voted on by board members as follows:

Aye: 4 (Berger, Ceronie, Fahey, Woodworth)

No: 0

Abstain: 0

The motion was carried, and the Public Hearing was closed at 5:12 pm.

A motion to grant variances for acreage and lot coverage for Nicholas Shea’s 7783 Dutch Street Road parcel was introduced by Amy Ceronie and seconded by Chad Woodworth, and was voted on by board members as follows:

Aye: 4 (Berger, Ceronie, Fahey, Woodworth)

No: 0

Abstain: 0

The motion was carried.

ADJOURNMENT

A motion to adjourn was introduced by Lauren Berger and seconded Amy Ceronie, and was voted on by members as follows:

Aye: 4 (Berger, Ceronie, Fahey, Woodworth)

No: 0

Abstain: 0

The motion was carried, and the meeting was adjourned at 5:13 pm.

Respectfully submitted,

Kaylee R. Leone

Deputy Town Clerk/Zoning Board of Appeals Secretary