

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

Excused: Board Member Chad Woodworth

Others Present: Town Councilman Joe Rawleigh; Community members Mohamed Abid, Teresa Piper, Patricia Megliore, and Justin Megliore

#### CALL TO ORDER

Chairman Kevin Fahey called the meeting to order at 6:04 pm and led those in attendance in reciting the Pledge of Allegiance.

#### APPROVAL OF MINUTES

The board reviewed the provided minutes from the October 10<sup>th</sup>, 2024, meeting. A motion to approve the October 10<sup>th</sup>, 2024, meeting minutes as written was introduced by Shawn Forrester and seconded by Amy Ceronie, and was voted on by members as follows:

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

No: 0

Abstain: 0

The motion was carried.

#### PUBLIC HEARING – AREA VARIANCE: TOWN OF MOUNT MORRIS

Chairman Kevin Fahey opened the Public Hearing for Stephen Megliore’s 3122 Mount Morris Geneseo Road area variance applications at 6:07 pm. Chairman Fahey stated that anyone wishing to speak would be granted three minutes to do so and asked that comments be directed towards the board rather than the applicant or other commenters. Chairman Fahey asked those wishing to speak to identify themselves by name and address and that they communicate clearly and only discuss the referral at hand.

Chairman Kevin Fahey explained that the applicant is seeking a side setback variance. A 20-foot setback is required, but upon the construction of a proposed addition, the setback between the applicant’s two parcels will be 2 feet. Chairman Fahey added that the applicant owns both of the aforementioned parcels and restated prior sentiments from the board that once the applicant is able to, he either combines the parcels or completes a lot line adjustment to allow for the proper setbacks set forth within the code. Chairman Fahey asked if the applicant would like to provide additional details to the board.

As the applicant, Stephen Megliore, was ill, his son and wife were present and explained that two separate banks hold finance agreements over each respective parcel, preventing them from combining them at this time.

Chairman Kevin Fahey led the board in answering the following 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 Forrester: 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 proposed structure meet the allowable setbacks 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 Forrester: No – The proposed addition will be an improvement upon the parcel and the parcel is being continuously used

Chairman Fahey: Yes – As the applicant owns both properties, he can eventually remedy the setback issues with a lot line adjustment or by combining the parcels

3. Is the requested area variance substantial?

Board Member Berger: No – The variance sought isn't substantial because the ultimate plan of the applicant is to remedy the side setback issues through a lot line adjustment or by combining the parcels

Board Member Ceronie: No – The variance sought isn't substantial because the ultimate plan of the applicant is to remedy the side setback issues through a lot line adjustment or by combining the parcels

Board Member Forrester: Yes – Although the variance sought is substantial at this time, a new lot line will ensure that it is not

Chairman Fahey: Yes – The applicant understands the remedies needed to address the extensiveness of the variance sought

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 structure is consistent with the surrounding businesses.

Board Member Ceronie: No – The proposed structure is consistent with the surrounding businesses.

Board Member Forrester: No – The proposed structure is consistent with the surrounding businesses.

Chairman Fahey: No – The proposed structure is consistent with the surrounding businesses.

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: Yes – There is a plan in place to address the side setback issues

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

Board Member Forrester: Yes – The issue would not exist without a proposed addition

Chairman Fahey: No – The applicant is caught within the confines of two separate bank loans that prevent him from combining his parcels at this current time

A motion to grant Stephen Megliore's 3122 Mount Morris Geneseo Road area variance with the request that the two parcels be combined or a lot line adjustment be performed as soon as is

practicable for the applicant was introduced by Shawn Forrester and seconded by Amy Ceronie, and was voted on by board members as follows:

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

No: 0

Abstain: 0

The motion was carried.

A motion to close the Public Hearing for the area variances associated with Stephen Megliore's 3122 Mount Morris Geneseo Road parcel was made by Shawn Forrester and was seconded by Lauren Berger, and was voted on by board members as follows:

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

No: 0

Abstain: 0

The motion was carried, and the Public Hearing was closed at 6:17 pm.

#### CODE INTERPRETATION REQUEST – VILLAGE OF MOUNT MORRIS

Chairman Kevin Fahey stated that a code interpretation request has been submitted by Gregory Mark of Fueled Fitness, LLC. Fueled Fitness is hoping to open a 24-hour fitness facility at 24 Main Street in the Village of Mount Morris, tax map 106.15-1-25. Chairman Fahey stated that this parcel sits within a B2 zoning district, and detailed the list of personal service shops listed in section 232-19-A-3 of Village Code. As “gym”, “fitness facility”, or any similar type of personal service shop is not listed within this section of code, Fueled Fitness is seeking the board's opinion on whether his proposed use of the facility would fall under “any other use which in the opinion of the board of appeals is of a similar nature so long as it is not first permitted in a less restrictive district”, as outlined within Village Code.

Board members Amy Ceronie, Lauren Berger, Shawn Forrester, and Kevin Fahey agreed that such a use certainly seems similar to the other uses permitted within the Village's B2 zoning district.

A motion to deem Fueled Fitness, LLC's use of 24 Main Street in the Village of Mount Morris as a permitted use under §232-19-A-3 (4) of Village Code was introduced by Shawn Forrester, was seconded by Lauren Berger, and was voted on by board members as follows:

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

No: 0

Abstain: 0

The motion was carried.

#### APPLICATION RECEIVED: AREA VARIANCE – VILLAGE OF MOUNT MORRIS

Chairman Kevin Fahey explained that a variance request has been submitted by Teresa Piper of 118 Main Street in the Village of Mount Morris, tax map 106.19-2-21. Chairman Fahey explained that the property currently sits within an R3 zoning district. Ms. Piper's parcel contains a building that previously was used for a doctor's office on the lower floor with living quarters on the second floor. Ms. Piper would like to convert the building back into a two-family unit. Chairman Fahey explained that though this is a permitted use, the lot size, setback, and parking requirements do not conform to the requirements set forth within Village Code.

Board member Shawn Forrester asked what the parking requirement was, to which Chairman Fahey answered that four spots were required.

Within the application materials, Village Code Enforcement Officer Mark Mullikin's notes state that the current parking spaces do not allow the parked cars to move freely, which is required by code.

Board member Lauren Berger asked how many bedrooms would be in each unit, to which the applicant answered that the downstairs unit would have two bedrooms and the upstairs unit would have three bedrooms.

Board member Amy Ceronie voiced her concern in allowing the parcel to be moved back to residential use as improper care and/or maintenance could lead to the building becoming unsightly.

The applicant stated that she is willing to knock down a small garage on the property to allow for the required parking spaces. She also stated that there is an easement and possible driveway that leads out onto Murray Street that she could look into using as an alternative.

Upon further discussion with the board, the applicant intends to have new plans drawn up to include the proper parking spaces required in code. The applicant will also seek legal clarification on if there is a deeded right-of-way or easement through neighboring properties. Once these plans are done, the applicant intends to reach back out to the board to continue with the variance application process.

#### APPLICATION RECEIVED: AREA VARIANCE – VILLAGE OF MOUNT MORRIS

Chairman Kevin Fahey stated that Nicholas Frazier has submitted a variance request at 91 Stanley Street in the Village of Mount Morris. The application materials submitted to the board varied greatly from previously submitted applications, making the details of the proposed structure and the resulting variances required difficult to determine.

Board member Lauren Berger stated that the application states that the applicant is planning to add a garage with living space above his single-family home and that the proposed addition will create a 1-2 ft setback from the property line, where the requirement is 10 ft.

Board member Amy Ceronie wondered if the applicant is hoping to rent the added space, which might include a bathroom and kitchen, or if it is just a bonus room.

The board was also unable to determine if the proposed structure was separate or attached to an existing home, or if it had a separate entrance.

#### ADJOURNMENT

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

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

No: 0

Abstain: 0

The motion was carried, and the meeting was adjourned at 7:17 pm.

Respectfully submitted,  
Kaylee R. Leone  
Deputy Town Clerk/Zoning Board of Appeals Secretary