



## CITY OF GENEVA ZONING BOARD OF APPEALS

### MEETING MINUTES

6:00 PM | May 27, 2025  
City Hall – 47 Castle St, Geneva NY

**1. Roll Call:** Stephen Salmon, Kyle Olschewske, Bob Meyer, Antonio Gomez

**Excused:** Jeff Greco

**Also Present:** David Hou, Clr. Brennan, Clerk Tillotson

**2. A Zoning Interpretation made by the Code Enforcement office for the use of property at 1019 Lochland Rd. Appeal being requested by the owner of 1025 Lochland Rd.**

Jacob Zoghlin, attorney representing Dr. Robert Bialko who resides at 1025 Lochland Rd, speaks. Dr. Bialko is aggrieved this project has been allowed to commence without coming before the ZBA & Planning Board.

Mr. Zoghlin states the plan for the vacant parcel at 1019 Lochland Rd is a single-family home with an attached 4-bay garage with living space above. Two large concrete pads are proposed, both to hold mobile-dwelling units (RVs). The placement of these RVs triggers the application of the ADU (accessory dwelling unit) provisions of the city code. This parcel is zoned large-lot.

Mr. Zoghlin states that the initial approvals designated by the code enforcement officer should be illegal because approvals were not obtained by the Planning Board or ZBA.

Mr. Zoghlin believes this application should be subject to site plan review due to accessory structures or uses that will exceed 500 sq ft. (Chp. 350-13.4B) Variances are required from the ZBA because the mobile dwellings exceed 12 ft and less than 15 ft from the property line. A special use permit should also be required due to the ADUs.

He also states that Chp. 350-2.7 defines mobile dwellings as a structures, regardless of being mobile or stationary. Mr. Zoghlin believes that each ADU structure exceeds 500 sq. ft. Garage is 675 sq. ft., Concrete pads believed to be approximately 720 sq. ft. each, each RV unit appears to be approximately 825 sq ft in total. Because there are

several structures that exceed 500 sq. ft., it was improper to grant approval without going before the Planning Board for site plan review.

The concrete pads & mobile units mean setbacks should apply. Maximum height allowed is 12'. Proposed 13.5' tall and require an area variance. Both would also require side setbacks. (350-35 & 36)(350-12.1D)

Special use permit required for the mobile dwelling units (ADUs) – ADUs are not permitted (350.3.4D) in large lot residential. The project cannot legally proceed as proposed without these approvals by the ZBA & Planning Board.

Mr. Zoghlin asks that the ZBA grant this appeal and determine the applicant must go before the ZBA & Planning Board to obtain the necessary variances. No building permit should be issued until these variances should be granted.

Mr. Salmon asks for clarification about Chp. 350-2.7.

Robert Barclay, co-owner of 1019 Lochland Rd, is present for rebuttal. He states they have a pull-behind, fifth-wheel RV that is built for road use. Does not require any special permits to travel by road. It is not designed as a permanent dwelling, but a temporary dwelling (camping). This unit was awarded "Best in Show" by the RVIA (Recreational Vehicles Industry Associates).

He states that nowhere does the City Zoning Code prohibit RVs – there are many RVs currently located on Lochland Rd. City Code Chp. 350 – Article 8.3 states RVs exceeding 14 ft in length or 9 ft in height may be parked on an approved driveway, provided such vehicles are located behind the front building line.

Any mobile unit labeled as an ADU would require special permits to travel by road. The property owner's RV is 34' x 8.5' equaling 289 sq ft. The deck is not permanent and stores underneath the RV. The rooftop deck consists of an approximate 40 sq ft useable space. The rest of the roof is taken up by solar panels. The removeable awning covers the deck and should not be included as square footage.

The RV will not be a permanent structure on the property. The property owners travel extensively with it and only plan on being at the Lochland Rd property in the summers. Family that visits may also use the RV. The property owner plans on living in the actual proposed residence, not the RV.

Mr. Barclay address the "four car garage." He states as you drive down the driveway, there would be a two-car garage connected to the home. From the front, it will look like a typical residence with a two-car garage. The back of the property will have a 14' door that will house the truck that pulls the RV and can also be converted to living space in the future if desired.

Mr. Barclay believes that this project is within the scope of the CEO approval and the RV is not a permanent structure and should not be classified as an ADU.

The original plan included 3 concrete pads, but was reduced to 2. Mr. Barclay is amenable to changing the concrete pads to gravel or stone if that is what the ZBA prefers. Chp. 350-8.7 speaks to landscaping around parking. The code enforcement officer stated that landscaping would be required and the property owner is very amenable to this.

Mr. Meyer asks how many axels are on the RV. The answer is 3 axels and a CDL is not required to pull the RV. He also asks if the residence or RV will be rented out when they are not in the residence. The property owner states that it will not be used as a short-term rental. If the property owner is not at the residence, the RV will not be at the residence. Mr. Meyer asks how wide the property is and it is stated to be 100'.

The owner would only plan on living in the RV on the property while the actual home is being built. Visiting family may stay temporarily in the RV.

Mr. Salmon speaks to Mr. Bialko and states any affected "view of the lake" is not in the ZBA's purview. Mr. Salmon speaks to Mr. Barclay regarding the proposed concrete pads and the definition of ADU. It is determined that the concrete pads have water, sewer, and electric.

Mr. Salmon mentions the current proposal includes 29.9% impervious area based on the presented site plan. With the addition of the proposed landscaping, sidewalks, and patio. Mr. Salmon states the site plan may need to be adjusted to keep the percentage under 30%. Mr. Barclay states that all of the driveway is pervious area which should not be included in the calculated percentage. He agrees to discuss with the zoning officer.

Mr. Gomez does not believe the water, sewer, and electric hookups should affect the permanence of the RV as far as code goes according to his own observations. He states he sees other homes with electric hookup in yards. Mr. Barclay states the RV is fully solar and he plans on using solar power the majority of the time.

Mr. Zoghlin speaks again, stating he has not received the most up to date site plans. He states that the RV is indeed a permanent structure as it is connected to a concrete pad and hooked up to utilities. He states that this determination could set a precedent in that property owners could hypothetically keep adding concrete pads and RVs without consequence.

Mr. Hou questions Mr. Zoghlin regarding the interpretation of ADUs and permanence.

Mr. Barclay states that in terms of sewer hookups, it consists of a flexible hose piping that would not be acceptable as permanent plumbing in an ADU. He does not believe the "slippery slope" comment is relevant as only a certain number of concrete pads are permissible without a special use permit.

**Action Taken:** Mr. Salmon makes a motion to keep the hearing and comments open until the next meeting, June 24, 2025, to allow the property owner and appellant to submit written responses if they choose to do so. Mr. Gomez seconds.

*Roll was called and the motion was **APPROVED** unanimously (4-1 excused).*

Mr. Hou suggests that each party submits their final written responses no later than 5PM on June 17, 2025.

### **3. Approval of Minutes from April 2025**

**Action Taken:** Mr. Meyer makes a motion to approve the minutes from April 2025. Mr. Olschewske seconds.

*Roll was called and the motion was **APPROVED** unanimously (4-1 excused).*

### **4. Any questions or concerns**

Mr. Salmon reads aloud the following motion:

WHEREAS, Lakeview Health Services has proposed a mixed-use development project at 218 Genesee Street (the "Project") which requires a Special Use Permit and Site Plan approval by the City Planning Board; and

WHEREAS, the Project also requires several variances from the ZBA; and

WHEREAS, the Planning Board has indicated its intent to act as the lead agency for the purposes of environmental review for the Project; and

WHEREAS, the ZBA agrees that the environmental review of the Project should be coordinated and not be segmented;

NOW, THEREFORE, be it resolved by the City Zoning Board of Appeals, that the ZBA hereby defers Lead Agency status for the environmental review of the Project to the Planning Board, and that the ZBA's review of the proposed variances will be conducted in due course once the Planning Board has rendered its determination on the environmental impacts of the Project.

**Action Taken:** Mr. Salmon makes a motion to approve the above stated resolution. Mr. Gomez seconds.

*Roll was called and the motion was **APPROVED** unanimously (4-1 excused).*

## **5. Adjourn**

**Action Taken:** Mr. Meyer makes a motion to adjourn at 7:50PM. Mr. Salmon seconds.

*Roll was called and the motion was **APPROVED** unanimously (4-1 excused).*

Respectfully submitted by Lauren Karlsen, Administrative Aide