



CITY OF GENEVA ZONING BOARD OF APPEALS

MEETING MINUTES

6:00 PM | July 22, 2025
City Hall – 47 Castle St, Geneva NY

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

Excused: Antonio Gomez, Jeff Greco

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

2. Continue a Zoning Interpretation made by the Code Enforcement office for the use of property at 1019 Lochland Road. Appeal being requested by the owner of 1025 Lochland Road

Mr. Salmon asks each board member if they have additional questions to the applicant and appellant.

After some discussion amongst the board, Mr. Salmon read the following resolution:

RESOLUTION – DECISION ON APPEAL REGARDING

1019 LOCHLAND ROAD

WHEREAS, on March 25, 2025, Neal Braman, the City Superintendent of Building & Zoning approved plans submitted by Robert Barclay and Julia Santos (the “Barclays”) for a single family residence and associated driveways to be constructed at 1019 Lochlan Road, within the City’s Large Lot Residential (“LLR”) Zoning District, per plans submitted by Thorton Engineering dated December 2024, which plans also included two 18’ x 40’ parking pads, with water, electrical, and sanitary hook-ups for recreational vehicles (“RVs”); and

WHEREAS, in his March 25, 2025 determination (the “Determination”), Mr. Braman determined that the parking of recreational vehicles was permitted by City Code § 350-8.3(c), which provides that “Recreational vehicles, commercial vehicles, and other vehicles exceeding 14 feet in length or nine feet in height may be parked on an approved driveway, provided such vehicles are located behind the front building line”; and

WHEREAS, on April 4, 2025, Robert Bialko (“Dr. Bialko”) submitted a request for an appeal and interpretation from Mr. Braman’s Determination, alleging, among other things, that the approved plans are in violation of City Code § 350, Article 3, by allowing two permanent residences, including a “50-60 ft. trailer on a same size concrete slab w hookups on an undersized lot for the area”; and

WHEREAS, the ZBA is authorized to hear appeals from such determinations and the ZBA may reverse or affirm, wholly or partly, or may modify the determination appealed from and make such determination as in its opinion ought to be made in the matter and, to that end, shall have all the powers of the officer from whom the appeal is taken, pursuant to General City Law § 81-b and City Code § 350-18.2; and

WHEREAS, on May 20, 2025, June 10, 2025, and June 24, 2025, Mr. Bialko, through his attorney, submitted supplemental letters to the ZBA contending that, among other things, the proposed RV is a structure and an accessory dwelling unit (“ADU”) under the City Code, and must therefore comply with the City Code requirements for the same (i.e. site plan approval, variances, and a special use permit), and that the Determination should be reversed and vacated; and

WHEREAS, on May 27, 2025, and June 13, 2025, the Barclays submitted letters contending, among other things, that an RV is not a structure or an ADU, and that no additional approvals or variances are required; and

WHEREAS, the ZBA conducted duly noticed public hearings in accordance with the law on May 27, 2025, and June 24, 2025, at which the Barclays, Mr. Bialko, and/or their respective representatives and any other interested parties were permitted to present evidence and/or testimony, which were received into the record of the proceedings; and

WHEREAS, this action is classified as a Type II action under Section 617.5(c)(37) of the New York State Environmental Quality Review Act and therefore does not require further environmental review; and,

WHEREAS, after due deliberation, the ZBA has carefully considered the appeal and all of the testimony and submissions by Dr. Bialko, the Barclays, Mr. Braman, and all others who wished to be heard;

NOW, THEREFORE, BE IT RESOLVED, that the ZBA makes the following findings:

1. On the question of whether the RV is an ADU, the ZBA finds that the RV is NOT an ADU, for the following reasons:
 - a. City Code § 350-2.7 defines an ADU as “One subordinate dwelling unit that is an adapted reuse of an existing or new **permanent** detached accessory structure located on the same parcel as the primary dwelling unit.” (emphasis added).
 - b. Based on the evidence and testimony provided, the proposed RV is not a **permanent** accessory structure. Although it is the Barclays’ desire and intention to have sanitary/electrical hookups for the RV, such hookups are not necessary for the enjoyment or use of the RV. Additionally, the RV can be easily transported; it is designed to be, and is, moved from location to location. Mr. Bialko’s original contention that the submitted plans would allow two permanent residences is therefore rejected.

2. The ZBA finds that Mr. Braman properly reviewed and approved the submitted plans relating to the proposed parking of the RVs, because City Code § 350-8.3(C), relating to the off-street parking of recreational vehicles, states: “Recreational vehicles . . . exceeding 14 feet in length or 9 feet in height may be parked on an approved driveway, provided such vehicles are located behind the front building line.” The submitted plans cover the driveway, proposed two story residence and two pads with provisions for sewage, electric and water hookup, behind the front building line. The City Code does not distinguish between recreational vehicles with or without hook-ups to water, sewage and electric for temporary use. These plans are therefore in accordance with the City Code.
3. The ZBA finds that the proposed RV parking is an Accessory Use within the meaning of the City Code, because City Code § 350-7.4 (B) (15) includes as a residential accessory use: “Off-street parking areas and driveways, . . . provided all applicable parking requirements of this Chapter are met.” Section 350-3.5 provides that the minimum side setbacks for accessory uses in LLR Districts is fifteen feet (15’). The proposed parking of RVs must therefore conform to the applicable setbacks. The ZBA notes that the “General Notes” in the submitted plans state that “The property lines and right-of-way lines shown on the plan are for information only, and no warranty is made as to their correctness.”
4. On the question of whether the RV is subject to City Code requirements for structures (ex: site plan approval, special use permit, and variances), we find that the RV **IS NOT** subject to City Code requirements for structures for the following reasons:
 - a. The ZBA notes that City Zoning Code Section 350-2.7 has definitions for Manufactured Homes and Mobile Homes, however, an RV is not specifically included in these definitions, and does not fit these definitions¹:
 - i. MANUFACTURED HOME: Any dwelling unit that is fully equipped upon arrival at the site after being transported to it on wheels.
 - ii. MOBILE HOME — A vehicle which is used or designed to be used for living or sleeping purposes and which is customarily standing on wheels or rigid supports.
 - b. Section 350-2.7 defines a “Structure” as “A static construction of building materials, including buildings, stadiums, platforms, towers, sheds, display stands, storage bins, signs, reviewing stands, gasoline pumps, **mobile dwellings** (whether mobile or stationary at the time) and the like.” (emphasis added).
 - c. The term “Mobile Dwelling” is used but not specifically defined. However, Section 350-2.7 defines a “Dwelling” as “A building designed or used principally

¹ The ZBA further notes that Section 177-4 of the City Code, relating to Flood Damage Prevention, defines a Manufactured Home and a Mobile Home as “A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.” Additionally, a “Structure” is defined as: “A walled and roofed building, a manufactured home or a gas or liquid storage tank that is principally above ground.”

as the living quarters for one or more families”, and a “Building” is defined as “Any structure which is permanently affixed to the land, has one or more floors and a roof and is intended for the shelter, housing, or enclosure of persons, animals or chattel.”

- d. As noted above, the RV is not permanently affixed to the land and is not an ADU.
- e. As noted above, the RV is not permanent, can be easily relocated, and is registered with the NYS Department of Motor Vehicles. “Recreational vehicles are referenced elsewhere in the City Code, and are treated most specifically as vehicles in connection to parking requirements. The term “Recreational vehicle is not specifically included in the definition of “Mobile Home” or “Manufactured Home”. These facts support a finding that the RV is not a structure. Based on the above-referenced definitions in the City Code, further finds that the term “mobile dwelling” most accurately was intended to apply to “Manufactured Homes” and “Mobile Homes”, and not recreational vehicles.
- f. Section 350-2.1, “MEANING & INTENT”, states that “The language of the zoning law must be read literally. Regulations are no more or less strict than stated. Words defined in this Article shall have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in this Chapter shall have the relevant meaning given in the latest edition of Merriam Webster’s Unabridged Dictionary.”
- g. The term “mobile dwelling” is not defined in the City Code, and the ZBA was unable to locate a definition of “mobile dwelling in the latest edition of Merriam Webster’s Unabridged Dictionary.”

5. The ZBA further notes that the issue of impervious lot coverage has been raised. The original submitted plans note that this percentage is at 29.9%. The Barclays submitted proposed pictures/plans indicating additional driveway and patio areas, and proposed additions and changes by using fully permeable materials for portions of the driveway and parking pads. The final proposed plans be presented to Mr. Braman for approval and conformity with City Code requirements for impervious lot coverage.

The Determination of Mr. Braman is therefore affirmed.

On motion made by Robert Meyer, and seconded by Kyle Oschewske:

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|-----------------------------|--------|
| Stephen Salmon, Chairperson | Aye |
| Antonio Gomez | Absent |
| Jeff Greco | Absent |
| Robert Meyer | Aye |
| Kyle Olschewske | Aye |

Approved: 3 Ayes, Nays 2 Absent

STEPHEN SALMON, Chairperson of the Zoning Board of Appeals, hereby certifies that the foregoing Resolution was duly adopted at a meeting of the ZBA duly convened and held on July 22, 2025, a quorum being present.

3. A Use Variance for the owner of 55 Oak St, requesting to add an additional apartment a Zoning District where only a 2-family is permitted.

Greg Silverman, attorney, on behalf of John Manion, property owner. Currently a 2-family home with a 3rd floor partially finished attic. Seeking use variance to use attic portion as a 1BR/1BA and turning the property into a 3-family home. This would allow a return on investment of approximately 10%.

No changes to exterior structure. Large driveway on property that allows 7 vehicles. Mr. Manion is a Geneva resident, looking to invest in Geneva and provide another quality rental unit in the city.

Mr. Meyer asks about fire escape or emergency exits. Talk of putting a fire escape at the current window for 2 means of egress from the 3rd floor. Windows will be made up to code for means of egress.

Mr. Salmon asks if the property owner knows why the home is listed as a single family on the Ontario county website. Mr. Manion responds that he believes the original owner bought the home as a two-family, but lived in it as a single family.

Third floor is proposed to be approximately 800 sq. ft.

Action Taken: Mr. Salmon makes a motion to schedule a Public Hearing for August 26, 2025. Mr. Meyer seconds.

Roll was called and the motion was APPROVED (3-2 excused).

4. An Area Variance for the owner of 160-164-166 N Main St for relief of setback requirements.

Debra Cleveland, property owner, presents the application.

Parcel is located on Dorchester & North Main and currently hold a church and two outbuildings supportive of the church. Proposal is to subdivide all buildings into their own lots. All 3 buildings will be converted into single family homes.

Lot #1 is 16,000 sq ft, Lot #2 is 34,000 sq ft, and Lot #3 is approximately 11,000 sq. ft.

Mr. Salmon asks if any members of the public would like to speak.

A member of the public speaks and gives some background on the history of the property and location of the buildings as she was a member of the congregation.

Action Taken: Mr. Salmon makes a motion to approve the area variance application for the owner of 160-164-166 N Main St. This approval is conditional based on the Planning Board's determination of the subdivision application. Mr. Olschewske seconds.

*Roll was called and the motion was **APPROVED** unanimously (3-2 excused).*

5. Approval of Minutes – May & June

Action Taken: Mr. Meyer makes a motion to approve the minutes from May 27 and June 24. Mr. Olschewske seconds.

*Roll was called and the motion was **APPROVED** unanimously (3-2 excused).*

6. Adjourn

Action Taken: Mr. Salmon makes a motion to adjourn at 6:49PM. Mr. Meyer seconds.

*Roll was called and the motion was **APPROVED** unanimously (3-2 excused).*

Respectfully submitted by Lauren Karlsen, Administrative Aide