**Zoning Board of Appeals Public Hearing and Regular Meeting Minutes, April 8, 2015**

**Present:** Chair John Dentes, Karen Hindenlang, Marie Taylor, Ann Tobey, and Jeri Vargo

**Others Present:** Village Clerk Ann Balloni, Jill Fudo, Laura Holland, Randall & Stephen Zabriskie

**Call to Order:** Chair Dentes called the meeting to order at 7:00 pm.

**Changes to the Agenda:** Chair Dentes recommended continuing with the Public Hearing for application #14-44 that was opened on March 11, 2015, prior to the regular meeting and moving New Business ahead of Old Business. All present agreed to the agenda change.

**Public Hearing:**  Chair Dentes opened the continuation of the March 11, 2015 public hearing on Application #14-44 from Randall & Stephen Zabriskie for an Area Variance at 349 Main St. (tax map # 181.16-1-23.1), at 7:05 pm.

**Public Comment:** No one from the public commented on the project.

Jill Fudo, the architect for the applicants, presented modified plans to Application #14-44. Changes to the plans submitted on December 29, 2014 include extending the North West corner to square off the addition (35 square feet) and adding a privacy fence on the north side of the property.

Chair Dentes asked the appellant if she had any information as to why the lot under discussion was identified as a combination of two parcels: “Parcel E” and “Parcel F,” in the survey. The appellant indicated that they were not aware that lot consisted of two discrete parcels.

Chair Dentes asked if the porch area described in the drawings is an at grade deck. Ms. Fudo replied that the porch consisted of pavers on grade. Chair Dentes then questioned the distance from the sewer line and Ms. Fudo replied 6’.

Ms. Hindenlang questioned the length of the south side additional encroachment and Ms. Fudo replied 10’.

Chair Dentes read an email from Village Zoning Inspector, Patrick Doyle, (attached) regarding the proximity of the addition to the flood plain as per maps supplied by the Cayuga County Office of Real Property Services. Mr. Doyle reported, “According to this map, the proposed addition to the structure will not be located in the flood hazard area. However, the proposed location of the deck and stairs, in relation to the main sewer trunk line, will require further explanation and review prior to the Planning Board Meeting.” Ms. Fudo commented that the landscaping features for the project were flexible.

Chair Dentes again asked if there was any comment from the public and there was no response.

On motion by Vargo, seconded by Taylor, the ZBA voted to adjourn the Public Hearing at 7:14 pm.

AYES: Dentes, Hindenlang, Taylor, Tobey, and Vargo

NAYS: None

Motion carried unanimously.

Chair Dentes called the regular meeting of the ZBA to order at 7:15 pm.

**Approval of Minutes:** On motion by Vargo, seconded by Tobey, the ZBA approved the March 11, 2015 minutes.

AYES: Dentes, Hindenlang, Taylor, Tobey, and Vargo

NAYS: None

Motion carried unanimously.

**Announcements:** Clerk Balloni reminded the committee of an upcoming training at BOCES in Auburn on April 29, 2015.

**New Business**

**Application #14-44 from Randall & Stephen Zabriskie for an Area Variance at 349 Main St (Tax Map #181.16-1-23.1)**

The ensuing discussion may be summarized as follows:

* For the purposes of considering the Zabriskie’s application, the survey dimensions that describe the entire lot (approximately 169’ by 70’) will be used and the Parcel E and Parcel F designations assigned to portions of the lot will be ignored.
* The modified plans reflect the need for a variance on both the north and south side of the property. Both variances would be extensions of non-conforming encroachments that existed when the zoning law was adopted.
* The proposed addition does not extend into the flood plain.
* Consideration of the proximity of the proposed addition to any easements is the responsibility of the Planning Board.
* Any variances granted by the ZBA will be contingent upon site plan approval by the Village Planning Board.
* The total Building Area including the proposed addition is under the Maximum Building Coverage Limit of 30%.
* The south wall of the proposed addition will extend the non-conforming building line 10’ to the west.
* The southwest corner of the proposed addition is 4’4” from the property line thus requiring a 5’8” variance.
* The east end of the north wall of the proposed addition is 9’1” from the property line therefore requiring an 11” variance. The west end of the north wall of the addition is 10’1” from the property line.

The committee then reviewed the five criteria to be considered when determining whether or not to grant an area variance. As regards the variance for the south setback it determined that:

1. The project does not produce an undesirable change to the character of the neighborhood.
2. Any other plan for the addition would have negative structural and visual impacts.
3. Although the variance is significant the encroachment extends a preexisting condition.
4. The project will not have an adverse effect on the physical or environmental conditions in the neighborhood.
5. Although the alleged difficulty is self-created it could not have been reasonably foreseen.

As regards the variance for the north setback it determined that:

1. The project does not produce an undesirable change to the character of the neighborhood.
2. Any other plan for the addition would have negative structural and visual impacts.
3. The request is for a modest variance.
4. The project will not have an adverse effect on the physical or environmental conditions in the neighborhood.
5. Although the alleged difficulty is self-created it could not have been reasonably foreseen.

On motion by Taylor, seconded by Tobey, the ZBA

MOVED THAT: For the building addition and structures proposed to be constructed on tax parcel #181.16-1-23.1 and described in the architectural drawings received on April 8, 2015, the following area variances are hereby granted: (1) a side setback variance of 5’8” allowing a final setback of 4’4” to the south lot line that permits continuation of the line of the existing south building face for 10’, and (2) a side setback variance allowing a 6’ extension of the line of the north building face which, is between approximately 9’1”and 10’1” from the north property line, as described in the above referenced drawings, said variances being granted contingent upon: (1) subsequent project approval by the Village Planning Board, and (2) no changes being made to the above referenced architectural drawings.

AYES: Dentes, Hindenlang, Taylor, Tobey, and Vargo NAYS: None Motion carried unanimously

The applicants were informed that any changes to the project drawing would cause them to have to come back to the ZBA for a second review, that the Planning Board review for Application #14-44 was set for April 22, 2015, and that any addition to the file would have to be received in the village office 10 days prior to the Planning Board meeting.

**Old Business**

The ZBA briefly discussed section 1103.G. of the Village Zoning Law regarding appeals from the Community Preservation Panel. Mayor Bennett has requested that the committee review the section and make recommendations for a future update to the law. Chair Dentes remarked that changes to the zoning law were still being drafted and that the committee could finalize its recommendations at the next meeting.

On motion by Tobey, seconded by Vargo, the ZBA voted to adjourn the meeting at 8:25. AYES: Dentes, Hindenlang, Taylor, Tobey, and Vargo NAYS: None Motion carried unanimously.

Respectfully submitted,

Ann Balloni, Village Clerk &

John Dentes, ZBA Chair