**ZBA November 8, 2017 Minutes**

The meeting was held in the Aurora Firehouse meeting room at 7:00 pm

**Present:** Chairperson Karen Hindenlang, Alexis Boyce, Laura Holland, Ann Tobey and Jeri Vargo

**Others Present**

**Village Officials:** Clerk Ann Balloni and Code Enforcement Officer Patrick Doyle

**Members of the Public:** Bettina & Rob Arleo, Ron Knewstub, and Jane & Melzar Richards

**Call to Order:** Ms. Hindenlang called the meeting to order at 7:00 pm.

**Changes to the Agenda:** No changes

**Approval of Minutes:** Ms. Holland requested that it be noted in the minutes that Mr. Virgil Farlow stated his address as 434 Main St. All board members requested that “the ZBA is dismayed by the lack of attention by the village board regarding their concerns over the zoning law” be added to the minutes.

On motion by Ms. Vargo, seconded by Ms. Tobey, the ZBA voted to approve the October 11, 2017 minutes as amended.

AYES: Boyce, Hindenlang, Holland, Tobey and Vargo

NAYS: None

Motion carried unanimously.

**Announcements:** Ms. Hindenlang informed the board that the appeal for Application #16-16 from the Aurora Masonic Center is withdrawn. A copy of the October minutes will be sent to the Masons, as requested.

Mr. Doyle clarified for the ZBA that when a denial letter is issued to an applicant they are advised to comply with the zoning law or submit an appeal to the ZBA.

Ms. Hindenlang reminded the board that ex parte communication includes refraining from discussion of an application with members of the public even before an appeal has been filed.

Ms. Boyce and Ms. Hindenlang will review the ZBA concerns with the zoning law prior to Ms. Boyce contacting Mayor Bennett.

**Public Hearing**

**Application #17-49 from Charlotte Bakeman for an area variance at 275 Main St (Tax Map #182.17-1-6)**

On motion by Ms. Tobey, seconded by Ms. Vargo, the ZBA voted to open the public hearing at 7:20 pm.

AYES: Boyce, Hindenlang, Holland, Tobey and Vargo

NAYS: None

Motion carried unanimously.

The Bakeman’s sent an email (attached) authorizing their contractor, Ron Knewstub, as their representative.

Mr. Doyle explained that he issued a denial (attached) for Application #17-49, noting section 405.P1.A.6.c. of the village zoning code, that limits the width of docks to 8’. The arm extension at the end of Ms. Bakeman’s dock application is 10’. Ms. Hindenlang questioned if the application is compliant with Army Corps of engineer regulations and Mr. Doyle responded that it is, but the village regulations are stricter.

Ms. Hindenlang noted that Mr. Doyle conferred with Aaron Smith from the Army Corps on village jurisdiction over the lake. Mr. Smith advised consulting with the village attorney, but noted that “a USACE permit would not obviate the need for the permittee to obtain any other required permits (local and/or state).” Ms. Hindenlang was advised by village attorney, Tom Blair, to follow through with the appeal process.

Mr. Knewstub remarked that he was unaware of the restriction in the village zoning law and noted that he has built similar docks throughout the village. He explained that Army Corps allows for double the 120 square feet created by the 10’ x 12’ terminal platform requested and noted that, when mooring or accessing a boat from a dock, safety becomes an issue without a platform, especially in windy conditions with wave action.

Ms. Holland questioned if the village has any jurisdiction as the village zoning code states that “docks are subject to DEC and Army Corps of Engineers regulations.” Mr. Doyle replied that the village then sets conditions, one of which is “docks shall not exceed 8’ in width.”

**Public Comment**

**Melzar Richards (267 Main St):** Dr. Richards remarked that the dock plans are reasonable and comply with Army Corps regulations. He encouraged the ZBA to grant the variance. He also noted that the applicant’s temporary dock was swept away by the Spring rains.

Jane Richards added that they are not technically the direct neighbor to the south of the Bakemans as noted on the application. Marcia Wiegand at 271 Main St is the property owner south of the Bakemans.

**Robert Arleo (281 Main St):**  Dr. Arleo echoed the same sentiments as Dr. Richards.

On motion by Ms. Holland, seconded by Ms. Vargo, the ZBA voted to close the public hearing at 7:35 pm.

AYES: Boyce, Hindenlang, Holland, Tobey and Vargo

NAYS: None

Motion carried unanimously.

**New Business**

**Application #17-49 from Charlotte Bakeman for an area variance at 275 Main St (Tax Map #182.17-1-6)**

The ZBA carefully reviewed and fully discussed the five criteria for area variances which “balances the benefit to the applicant with the detriment to health, safety & welfare of the community”, as pertaining to dock construction under our current code.

**Tax Parcel Number: #182.17-1-6 Log No.: #17-49 RESOLUTION--DECISION ON AREA VARIANCE**

At a regular meeting of the Village Zoning Board of Appeals of the Village of Aurora, in Cayuga County, held at the Village Meeting Room in said Village on the 8th day of November, 2017, at 7:00 P.M., prevailing time, the meeting was called to order by Karen Hindenlang, Chair, and upon roll being called, the following were:

PRESENT: Alexis Boyce, Karen Hindenlang, Laura Holland, Ann Tobey and Jeri Vargo
ABSENT: none

The following resolution was offered by Board Member Vargo who moved its adoption, and seconded by Board Member Tobey, to wit:

**WHEREAS,** the Zoning Board of Appeals of the Village of Aurora received an application from Charlotte Bakeman for a variance of Section 405.P1.A.6.a of the Zoning Law of the Village of Aurora which limits docks to a width of 8 feet, in order to allow construction of an 8 foot wide and 65 foot long dock ending with a waterward terminus platform or deck measuring 10 feet by 12 feet; and

**WHEREAS,** in connection with such application, the Zoning Board has received and reviewed an application, considered information from individual site visits conducted by all board member, solicited written comments by neighboring property owners no comments received), and held a public hearing on November 8, 2017, and received comments thereat from code enforcement officer Patrick Doyle, marine contractor Ron Knewstub , and neighboring property owner Robert Arleo, and nearby property owners Mel and Jane Richards; and

**WHEREAS,** after review, the Zoning Board has weighed the effects of the requested variance on the health, safety, and welfare of the neighborhood and community, and made the following findings:

**A.** The requested variance **will not** create an undesirable change in the character of the neighborhood or detriment to nearby properties in that the proposed dock is in keeping with the style, size and proportions of other docks in the vicinity, and, because of the topography and depth of the lot, with the land sloping away towards the lake, the dock will not be prominently visible from the street; and

**B.** The benefits sought by the applicant **can** be achieved by some other feasible means; and

**C.** The requested variance **is not** substantial in the the proposed dock adheres to the 8’ width allowed by our code for 55 feet of its total proposed 65’ length; and the last 10 feet of the dock widens to 12 feet to create a deck or platform 120 square feet in size; and this deck adds only 40 square feet to the 520 square feet allowed by our code, and thus requires a variance of approximately 7.5% overall.

**D.** The proposed variance **will not** have an adverse effect or impact on the physical and environmental conditions of the neighborhood or district because it will not produce noise, or odors, hazardous waste, or dangerous traffic, but the deck area will increase safety for those using the dock to moor small boats, or to embark or disembark from the dock; and

**E.** The alleged difficulty **was** self-created because the applicant wishes to have a permanent dock constructed.

**NOW, THEREFORE, BE IT RESOLVED** that the application of Charlotte Bakeman for approval of a variance of Section 405.P1.A.6.a of the Zoning Law of the Village of Aurora is hereby granted for the reasons stated above, subject to the following conditions: that the dock be constructed exactly as set forth in the application.

The question of the foregoing resolution was duly put to a vote as follows:

Boyce AYE

Hindenlang AYE

Holland AYE

Tobey AYE

Vargo AYE

Dated: November 8, 2017 Aurora, New York
By order of the Zoning Board of Appeals of the Village of Aurora

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Karen A. Hindenlang

Mr. Knewstub granted Mr. Doyle permission to do a Pre-inspection and Mr. Knewstub was reminded that Application #17-49 will be reviewed by the Planning Board on November 29, 2017.

**Adjournment:** On motion by Ms. Tobey, seconded by Ms. Boyce, the ZBA voted to adjourn the meeting at 7:55 pm.

AYES: Boyce, Hindenlang, Holland, Tobey and Vargo

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk