**Zoning Board of Appeals August 9, 2017 Regular Meeting and Public Hearing Minutes**

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

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

**Absent:** Jeri Vargo

**Others Present:** Clerk Ann Balloni, Code Enforcement Officer Patrick Doyle, and applicant representative Gary Guariglia

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

**Changes to the Agenda:** No changes

**Approval of Minutes**

**June 14, 2017:** On motion by Ms. Tobey, seconded by Ms. Holland, the ZBA voted to approve the June 14, 2017 minutes.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried unanimously.

**July 12, 2017 Work Session:** On motion by Ms. Tobey, seconded by Ms. Holland, the ZBA voted to approve the July 12, 2017 work session minutes.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried unanimously.

**Announcements**

**Chairperson Hindenlang:** Ms. Hindenlang read a letter from Mayor Bennett (attached) responding to the ZBA’s request (attached) that the village board of trustees inform the ZBA of the status of the project to amend the zoning law. Ms. Bennett noted that amendments to the law will be introduced at the September 20, 2017 village board meeting and asked the ZBA members to cite specific examples for the village board to consider.

Ms. Hindenlang noted that she is working on a list of inconsistencies that she has found and asked that her board members do likewise.

**Clerk:** Ms. Balloni reminded the ZBA that the most recent amendments were emailed to all board members following their adoption in 2016 and the members were instructed to make the minor revisions to their own copies. Ms. Balloni noted that she would make updated zoning law copies for any member who requested it.

**Application #17-31 from Raymond Stout for area variances for a new shed at 2451 Sunset Beach (Tax Map #193.09-1-5.1)**

**Public Hearing:** Ms. Hindenlang called the public hearing for Application #17-31 to order at 7:12 pm

Ms. Hindenlang confirmed that all members had reviewed Application #17-31 and introduced the application by noting that properties located in the Floor Hazard Zone are governed by stricter regulations in our code than the rest of the village. In addition, all municipalities must adopt a Flood Plain Management law per Federal Emergency Management Association policy and the village Code Enforcement Officer, Mr. Doyle, is the designated Flood Plain manager.

Accessory structures in the Flood Hazard Zone are limited to 64 square feet and 8 feet in height, compared to residential zone limits of 16 ft. in height and 20% of the primary structure’s area. She asked Mr. Doyle to confirm that no new primary construction was allowed in the flood hazard zone. Ms. Hindenlang asked Mr. Doyle to explain the reasons behind the stricter limits for accessory structures in the flood zone, and he described the increased risks to public safety and private property caused by construction in this zone.

As a reminder of these risks, Ms. Hindenlang directed the ZBA to the photo on the ALERTS page of the village website, showing the Wells College dock totally submerged in water.

 Mr. Stout’s application is for a 12’ x 12’ shed (144 sq ft), 11’ feet tall. Mr. Doyle denied the application (see attached) advising Mr. Stout to conform to the measurements allowed in the village zoning law (section 405 Special Conditions P.1. Accessory Structures) or apply for an area variance from the ZBA. Ms. Hindenlang noted that the requested variance was for fully 125% more area plus 37.5% more height than that allowed by code.

Neither Mr. Stout nor any of the additional members of his family who jointly own the property were available to attend the meeting and Mr. Stout and his family authorized in writing (attached) their contractor, Gary Guaraglia, to represent them at the public hearing.

Ms. Hindenlang reminded those present that a previous application (#16-26) was submitted to the office in 2016 for a 12’x20’ shed, but was later withdrawn after a public hearing was held and the ZBA requested more information. Ms. Hindenlang referred to letters submitted from neighbors in favor of the application in 2016 and noted that a site visit was conducted last year on July 11. Another site visit was conducted on August 8, 2017, with the chair and Ms. Boyce. Other members visited the property on their own.

Mr. Guaraglia discussed the on-going issue of providing potable water for the property. The owners recently dug a well and need a filtration/treatment system to help remove sulphur from the water. The system will be housed in the shed.

Ms. Hindenlang observed that the need for sulphur treatment was not noted on the application. She also observed that the drawing from the revised 2016 application was re-submitted for the 2017 application, and it did not show the placement of the new components: water heater, expansion tank, sulfur treatment, etc. She also questioned the accuracy in rendering the size of the components shown.

Mr. Doyle noted again that it seemed as though the ZBA would need more information.

Questions arose regarding the amount of space required for the water system, including any surrounding area for venting/safety, as well as the size of the system components. Ms. Tobey noted that, per the application, the shed will also be used for storage of “lawn mower, grill, lawn chairs, paddle boat, and canoe” and that “life jackets, paddles, coolers, and folding tables” will be stored in the rafters.

Ms. Hindenlang referenced section 405 P.1.A.6.g of the village zoning law which states “Sewer and water lines shall not be extended to accessory structures in the Flood Hazard Zone. Sanitary pumping facilities require a Special Use Permit.”

Mr. Doyle explained that that section of the law is for regulating docks and that the intent is to prevent extending water/sewer lines from a principle structure (i.e., house) to an accessory structure on or near a dock. Mr. Doyle agreed to make a written determination regarding the use of the system in the shed once the applicant submits the verifiable information on the manufacturer’s measurements of the system and the components and any ventilation space required.

Mr. Guaraglia agreed to notify his client of the information requested by the board.

Ms. Tobey questioned the minimum amount of space required for the water system alone, and might that fit into the allowed 64 sq. ft.

Ms. Holland noted that the water system for the entire village does not take up a lot of space.

Ms. Boyce remarked that the shed may be *needed* for the water treatment system, but the other items listed are *wanted* for storage in the shed.

The members discussed keeping the public hearing open to the September 13, 2017 meeting, closing the public hearing and voting, or closing the public hearing and rendering their decision at the next meeting once additional information is submitted.

On motion by Ms. Holland, seconded by Ms. Tobey, the ZBA voted to adjourn the public hearing to the September 13, 2017 ZBA meeting with a deadline of August 31, 2017 for the requested additional information from the applicant.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried unanimously.

**Adjournment:** On motion by Ms. Boyce, seconded by Ms. Hindenlang, the ZBA voted to adjourn the meeting at 8:47 pm.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk