

**DRAFT**

**ZBA February 13, 2019 Meeting Minutes**

The meeting was held in the Aurora Firehouse meeting room at 7:00 p.m.

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

**Absent:** Laura Holland

**Others Present**

**Village Officials:** Clerk Ann Balloni

**Members of the Public:** G. Alan Clugston and Cynthia Koepp

**Call to Order:** Ms. Hindenlang called the meeting to order at 7:01 pm.

**Changes to the Agenda:** No changes

**Approval of Minutes:** On motion by Ms. Vargo, seconded by Ms. Tobey, the ZBA voted to approve the November 8, 2017 minutes.

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

**Announcements:** Ms. Balloni read a letter from (former Mayor) Tom Gunderson and his wife, Maralee, thanking the Board for their hard work and dedication. The Board members were touched by the Gunderson's appreciation.

**Old Business**

**Appeal Form:** Ms. Hindenlang noted that the current Appeal Form lacks information and discussed revising it using a template from Village Attorney, Tom Blair, as a guide. The ZBA agreed on a 2-page document with the following additions:

- Applicant phone number and email address
- Scale drawings and stamped survey map
- Names and addresses of neighboring property owners (including across the street)
- Any previous appeals noted
- Part 1 Environmental Assessment Form (for SEQR purposes)
- Agreement that the applicant will pay all costs/fees associated with the appeal per Local Law #3 of 2012
- Section 809 of the General Municipal Law of the State of New York affirming that the applicant or any "interested person" is not benefitting financially from the appeal
- Signature affirming all contents of the application are true (under penalties of perjury)
- Link to the Village Website for applicant appeal process information

Ms. Hindenlang said she wished the item citing the applicant's responsibility for expenses associated with the appeal to be in bold face. Legal fees incurred by a recent appeal exceeded \$4,000.

Ms. Boyce also suggested numbering the sections on the form and the other members agreed.

On motion by Ms. Vargo, seconded by Ms. Boyce, the ZBA voted to approve the revised Appeal Application Form (attached) and submit it to the Village Board of Trustees for review and approval at their February 25, 2019, meeting.

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

### **New Business**

**Meeting Procedures:** Ms. Hindenlang informed the Board that, moving forward, all reviews will follow proper procedure, per James A. Coon Series ZBA guidelines. Ms. Hindenlang specifically noted that the ZBA will review an appeal application at a noticed, public meeting for timeliness, sufficiency and completedness. If that criteria are met, the ZBA will then set the Public Hearing date, as needed.

### **Application #18-38 from Cynthia Koepf and John Place for an Area Variance for Dock Stairs at 327 Main St (Tax Map #181.16-1-26)**

Ms. Hindenlang noted that an Area Variance is requested due to the proposed dock stairs not meeting rear setback requirements. The Village Code Enforcement Officer, Patrick Doyle, denied the application on December 3, 2018 (attached) and Ms. Koepf filed an appeal on January 17, 2019 (attached). As the owners of the property, Ms. Koepf and Mr. Place have standing as an aggrieved party to file an appeal for the placement of the structure.

Ms. Hindenlang reminded the Board that the appeal does not require County 239 review due to an agreement between the Village and Cayuga County dated June 25, 2014, Section A.(10) which exempts Area Variances from the mandated review.

On motion by Ms. Tobey, seconded by Ms. Boyce, the ZBA voted to accept Application #18-38 as timely, sufficient and complete to date, as well as, exempt from County 239 review.

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

**SEQR:** On motion by Ms. Boyce, seconded by Ms. Tobey, the ZBA voted to declare itself Lead Agency for the State Environmental Quality Review.

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

The ZBA reviewed Part 1 of the Short Environmental Assessment Form (SEAF), submitted by the applicant, and required for the State Environmental Quality Review (SEQR). Ms. Hindenlang noted that the YES/NO boxes for questions 5 & 9 are blank, though question 9 does include the statement "no energy use involved in this project".

Ms. Hindenlang referenced section 617.5(c)(16) of the State Environmental Quality Review Act (SEQRA) noting that the project is a Type 2 Action requiring no further environmental review.

On motion by Ms. Vargo, seconded by Ms. Tobey, the ZBA voted to declare Application #18-38 a Type 2 Action ending the SEQR process.

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

Ms. Hindenlang questioned the dates on supporting documents included in the file and instructed the clerk to request in writing that the applicant submit recent documentation or verification that the documents in the file are current and accurately reflect the existing situation. A number of documents pre-date the file by several years. Ms. Hindenlang noted that the survey map does not include stamped verification, which the ZBA requires. The requested materials should be submitted by February 25, 2019.

Ms. Hindenlang discussed with the ZBA item 5.c. on Ms. Koepp's Appeal. Ms. Koepp references a judge's decision regarding her property deed and a supplemental order referring to dock stairs. Ms. Hindenlang explained that the applicant must provide a copy of the deed and the judge's order in full for the file and added that the ZBA does not have the expertise to interpret the relevance of the judge's order to the appeal and will have to consult with the Village Attorney for advice at the expense of the applicant.

ZBA members discussed making a site visit to the property and agreed that CEO Doyle should also attend. Ms. Balloni reminded the Board that 3 or more members attending a site visit constitutes a quorum and would require notice as a public meeting. Ms. Hindenlang and Ms. Boyce expressed interest and Ms. Tobey and Ms. Vargo declined to attend the site visit. Ms. Hindenlang instructed Ms. Balloni to notify Officer Doyle that their preference for the site visit is Monday, February 25, 2019 at 3:30 p.m.

On motion by Ms. Boyce, seconded by Ms. Tobey, the ZBA voted to schedule a site visit of Application #18-38 on February 25, 2019 at 3:30 p.m.

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

Ms. Hindenlang questioned Ms. Koepp if they can access the dock without crossing the neighbor's property and Ms. Koepp replied that they can access via Koepp/Place's easement. Ms. Hindenlang instructed Ms. Balloni to request permission from the adjacent property owners, Hollands, to access their property for the site visit.

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

AYES: Boyce, Hindenlang, Tobey and Vargo

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni  
Village Clerk