

**Zoning Board of Appeals  
Regular Meeting June 12, 2019**

Held in the Aurora Firehouse Meeting Room at 7:00 PM

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

**Absent:** Jeri Vargo

**Others Present:** Deputy Clerk Deborah M. Brooks, G. Alan Clugston

**Call to Order:** Ms. Hindenlang called the meeting to order at 7:00 PM. The Chair noted that there was a quorum present.

**Changes to the Agenda:** Ms. Hindenlang asked her Board if they were in agreement to add Application #19-20 from Jim Kirkwood to the agenda to consider scheduling a Public Hearing for an area variance for a dock at 331 Main Street (tax Map #181.16-1-25) prior to Old Business. The Board unanimously agreed.

**Approval of Minutes:** Ms. Hindenlang asked for comment on the April 10, 2019 Minutes. Ms. Tobey noted the March 2019 Minutes header labeled the meeting month by using the word "Minutes" instead of "March". Ms. Holland noted in the April 10, 2019 Minutes on page 2 in the Public Hearing paragraph 4, "Suzanne" should be corrected to "Susanne". She also felt that the sale of the "former" railroad land "west" of Mrs. Susanne Holland's property would be a better way to identify the area Ms. Koeppe was referring to.

On motion by Boyce, seconded by Tobey, the ZBA voted to approve the minutes of March 13, 2019 and April 10, 2019 with noted changes.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried.

**Announcements:** Ms. Holland informed the Board on attending the Cayuga County Village Association Dinner in May. She explained that speaker, Douglas Selby from Cayuga County Water Authority, gave a fascinating talk on the proposed water source for our area. She noted that the plan would allow for the Long Point system to transfer water to areas in northern Cayuga County and that it could be reversed to come to us if the need arises. She added that 75% of the water source for Cayuga County comes from Owasco Lake and that the last Master Plan for Water, issued in 1970, was not implemented. She recorded his talk and will share it with the Board so they too can get a feel of what is being planned. Ms. Hindenlang thanked Ms. Holland for attending, as the Chair was not able to go.

**New Business:** Ms. Hindenlang reminded the Board that The Village Zoning Law Section 405 A6 refers to docks. She added the Planning Board had drafted an updated law to meet the new Army Corp Regulations and presented it to the Village Board in April of 2013, without amendment to the law. She noted that our code officers have

used different ways to interpret the law over the years and that the Board is once again presented with reviewing a denied application. Ms. Brooks added that the Planning Board Chair has recently remarked that her Board should revisit the draft of 2013 and represent an update to the Village Board, as more docks are being requested.

Application # 19-20 from Jim & Kim Kirkwood, new owners of 331 Main Street, was reviewed briefly. It was noted that their contractor had signed the appeal and the owners gave permission for the contractor to represent them at meetings. The Board felt the owners needed to sign the application, and asked why the application was not filled in fully noting that the required neighbors were not listed. Ms. Hindenlang informed the Board that Code Officer Doyle denied the application on June 3, 2019 with a letter because the proposed 12' wide west-end platform needed an area variance.

Discussion ensued on completeness of the file, which included a survey, a drawing, and pictures. Ms. Holland and Ms. Hindenlang both noted that more details can be added at the Public Hearing. Ms. Hindenlang informed the Board that the Clerk had sent Coon Guide to the applicant.

On motion by Ms. Holland, seconded by Ms. Tobey, the ZBA voted to accept Application #19-20 as timely, sufficient and complete to date, and to schedule the Public Hearing for Wednesday, July 10, 2019 at 7:00 PM.

AYES: Boyce, Hindenlang, Holland and Tobey

NAYS: None

Motion carried unanimously

**Old Business:** Ms. Holland asked if the Village Board had appointed an alternate for their Board? Ms. Hindenlang has had no update on this from the Mayor.

Ms. Holland asked that the record reflect the written withdrawal of Application # 18-38 by the applicant CJ Koepp on April 22, 2019 to the Village Clerk's office.

General discussion ensued on the proper process to swear in people during a Public Hearing. Ms. Hindenlang read the response from Village Attorney Thomas Blair. He stated "If there are 'fact witnesses' who are important to a given application - their testimony's 'trustworthiness' is (hopefully) verified through being sworn in subject to the penalty of perjury. If others want to speak but not be sworn in they should probably be warned that the 'weight' of their testimony will not be given full credence until they agree to be sworn." Ms. Brooks asked how written comment would be interpreted. Ms. Hindenlang remarked she hadn't thought of that and would consult with the attorney on this.

Overall, Ms. Hindenlang was uncomfortable with a "two-tier" system, and wished for all speakers to be treated equally. Ms. Tobey felt swearing in might intimidate those offering opinion rather than fact, Ms. Holland thought members of the public should be willing to stand by their statements and that we owe it to the appellants to swear-in all those offering comment. Ms. Boyce saw both sides, and wondered if an "affirmation" could be included on the sign-in sheet for people intending to speak. The Board agreed

to table the discussion for now and get further information from the attorney.

The possible adoption of fees for an Appeal were discussed. Ms. Boyce had been asked by the Chair, who had provided a list of links, to compile a comparison of similar government entities. Ms. Boyce's handout (see attached) reflected larger municipalities. She included Local Law # 3 of 2012 regarding reimbursement of Professional Consultation Fees. Ms. Boyce noted that a fee should reflect the direct Village cost of services provided by the Clerk and Code Officer (paper work and time spent in hearings) and not be a revenue source.

Ms. Hindenlang noted that our Attorney wants the Code Officer to attend all of our Public Hearings. Ms. Brooks affirmed that Mr. Doyle is paid hourly for the time he spends at evening hearings for individual appeals. The Chair observed that the daytime hours he spends inspecting properties, answering questions and enforcing code benefits all tax payers. Ms. Brooks noted that the Clerk's office serves all the residents not just those who file applications, but that the number of extra hours spent on one file sometimes doesn't serve the property owners who pay the taxes which fund the General Budget.

The Board agreed that moderate application fees would be appropriate, but when the discussion moved to charging for "continuances" Ms. Boyce voiced her opinion that she felt the cost would be prohibitive. Ms. Hindenlang understood, but pointed out that there have been a number of times when the Board, Code Officer and the Clerks have gone to great lengths to prepare for and appear at an evening hearing only to have an applicant pull their file or postpone at the last minute.

Discussion of fees for individual/commercial variance and interpretation appeals ensued. Ms. Tobey asked for examples and the Chair agreed to draft something for review in the fall.

**Adjournment:** On motion by Ms. Tobey, seconded by Ms. Holland, the ZBA voted to adjourn the meeting at 8:35pm.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Deborah M. Brooks  
Deputy Village Clerk