

**Zoning Board of Appeals Public Hearing and
DRAFT Regular Meeting Minutes July 10, 2019**

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

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

Absent: Jeri Vargo

Others Present: Village Clerk Ann Balloni, CEO Patrick Doyle, Members of the public Mike Bricco, Tom Gunderson and Jim Kirkwood

Call to Order: Ms. Hindenlang called the meeting to order at 7:00 p.m.

Changes to the Agenda: New Business will be discussed before Old Business

Approval of Minutes: Ms. Holland noted that under “Approval of Minutes”, the sentence “*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. Koepf was referring to.*”, should be corrected to read “**west of the Koepf/Place property**”. On motion by Ms. Boyce, seconded by Ms. Holland, the ZBA voted to approve the minutes of June 12, 2019 as corrected.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried.

Announcements: No announcements.

Public Hearing

Application #19-20 from Jim Kirkwood for an Area Variance for a new dock at 331 Main St (Tax Map #181.16-1-25)

On motion by Ms. Tobey, seconded by Ms. Holland, the ZBA voted to open the Public Hearing for Application #19-20 at 7:06 p.m.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried.

Ms. Hindenlang noted that the appeal form is signed by the applicant, Mr. Kirkwood, as well as the contractor, Mr. Bricco. Mr. Kirkwood gave authorization for Mr. Bricco to represent him when he is not available.

Ms. Hindenlang administered the swearing-in oath to Officer Doyle and confirmed his denial of Application #19-20, due to the 12’ width of the north-facing L extension exceeding the allowed 8’ width, per the Village of Aurora Zoning Law. Ms. Hindenlang inquired, and Mr. Doyle acknowledged that the entire dock meets the requirements set forth by the Army Corps of Engineers and requires a variance only because the Village Zoning Law does not differentiate between docks and attached decks/platforms regarding width requirements.

Officer Doyle further noted that the boat hoist is considered compliant as the zoning code does not address them.

Ms. Hindenlang remarked that, along with other supporting materials, an updated signed survey was submitted by the applicant noting the setbacks and dimensions. Also, in a written memo from Mr. Bricco, a planned water line to the dock was removed from the site plan due to accessory structure and flood plain regulations.

Ms. Balloni confirmed with Ms. Hindenlang that all neighbors were notified of the Public Hearing and Ms. Hindenlang acknowledged individual site visits of the property made by herself and Ms. Holland. She confirmed that all members of the board had viewed materials from the application file, and they had no further questions for Mr. Doyle or Mr. Bricco.

Public Comment: Ms. Hindenlang read a letter (attached) from Cynthia Koepf and John Place, giving their support for the variance.

On motion by Ms. Boyce, seconded by Ms. Tobey, the ZBA voted to close the Public Hearing at 7:16 p.m.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried

New Business

Application #19-20 from Jim Kirkwood for an Area Variance for a new dock at 331 Main St (Tax Map #181.16-1-25)

The ZBA reviewed, carefully considered and fully discussed the 5 criteria to determine the benefit to the applicant balanced with any detriment to the health, safety and welfare of the community and resolved the following:

Tax Parcel Number: #182.16-1-25

Log No. #19-20

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 10th day of July, 2019, 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 and Ann Tobey

ABSENT: Jeri Vargo

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

WHEREAS, the Zoning Board of Appeals of the Village of Aurora received an application from Jim and Kim Kirkwood for their property at 331 Main St., for an area variance of Section 405.P1.A.6.c of the Zoning Law of the Village of Aurora which limits docks to a width of 8 feet, in order to allow

construction of a dock 92 foot long and 6 foot wide, ending with a waterward terminus platform measuring 20 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 several board members, solicited written comments from neighboring property owners, received and read a letter from John Place and C. J. Koepp, and held a public hearing on July 10, 2019, and received comments thereat from code enforcement officer Patrick Doyle, and contractor Michael Bricco.

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 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 proposed dock located directly behind the house will not be prominently visible from the street; and
- B. 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 boats, or to embark or disembark from the dock; and
- C. The requested variance **is not** substantial in that the proposed dock adheres to a 6 foot width (25% less than allowed) for 80' of its total proposed 92' length; and at the terminus the dock turns 90° and widens to 12 feet along a length of 20 feet to create a platform 240 square feet in size; and this deck gives the entire proposed structure an area of 720 square foot when a total of 736 square feet would have been allowed overall if the deck had been 8 feet wide for its entire length without a platform.
- D. The benefits sought by the applicant **can** be achieved by other feasible means, that being a smaller terminus platform; and
- E. The alleged difficulty **was** self-created because the applicant wishes to have a permanent dock constructed with a deck.

NOW, THEREFORE, BE IT RESOLVED that the application of Jim and Kim Kirkwood for approval of a variance of Section 405.P1.A.6.c 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:

Alexis Boyce	AYE
Karen Hindenlang	AYE
Laura Holland	AYE
Ann Tobey	AYE
Jeri Vargo	ABSENT

Old Business

Fee Schedule and Swearing-In Procedures: Ms. Hindenlang recommended that the ZBA resume their discussions on appeal fees and swearing in procedures when the full board is present.

Dock Regulations: The ZBA discussed their concern with the Village Zoning Law dock regulations, specifically relating to an increase in area variance requests to allow terminus platforms on docks. Ms. Hindenlang noted that the Village Planning Board submitted amendments to the Village Board of Trustees in 2013 that mirror the Army Corps dock regulations and if the amendments had been adopted, most applicants would not need an area variance. That would save the Village the hourly wages and IRS mileage paid for our evening meetings with the Code Officer and Clerk, the cost of which ranges over \$100 for even a brief public hearing and prompt board decision, such as those we experienced tonight. Ms. Boyce volunteered to draft a letter to the Village Board of Trustees on behalf of the ZBA voicing these concerns.

Adjournment: On motion by Ms. Holland, seconded by Ms. Boyce, the ZBA voted to adjourn the meeting at 7:45 p.m.

AYES: Hindenlang, Boyce, Holland, and Tobey

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni
Village Clerk