

**Zoning Board of Appeals Public Hearing and
Regular Meeting Minutes January 13, 2021**
Held via Zoom due to the pandemic, at 7:00 PM

Present: Chair Karen Hindenlang, Alexis Boyce, Laura Holland, and Jeri Vargo

Others Present: Village Clerk Ann Balloni, Village Code Enforcement Officer John Greer, Local Resident Randi Zabriskie, and Anchor Welding Representatives Kristy Garretson & John Preston

Public Hearing: Application #20-20 from Steve and Randi Zabriskie for an Area Variance for a dock extension at 349 Main St (Tax Map #181.16-1-23.1)

Ms. Hindenlang called the Public Hearing to order for Application #20-20 at 7:04 p.m.

Ms. Hindenlang noted that the variance is specifically for the platform at the end of the dock, which is greater than the Village Zoning Law restriction of 8' in width, though the dock does meet Army Corps regulations.

Ms. Hindenlang added that the applicant submitted Part 1 of the Short Environmental Assessment Form (SEAF), and that the project is a Type 2 Action under the State Environmental Quality Review Act (SEQRA), requiring no further environmental review.

Village Code Enforcement Officer, John Greer, confirmed his denial of Application #20-20 siting section 405.P.1.A.6.a of the Village Zoning Code. Ms. Hindenlang corrected that it is 405.P.1.A.6."c", not "a" as referenced in the denial letter.

Ms. Garretson referenced the application narrative, noting that the variance request is less than similar requests that were approved.

Public Comment: Ms. Hindenlang acknowledged receipt of two emails. United Ministry of Aurora, which borders the applicant on the south, expressed approval for the variance request. Alan Ominsky, the neighbor to the north, expressed concern for the overall dock project but did not address the variance request.

Ms. Hindenlang noted that she, Ms. Boyce, and Ms. Holland individually visited the site. Ms. Hindenlang added that there are similar docks along the lake and, due to the drop-off from the property to the lake, the proposed dock is not visible from Main St.

On motion by Ms. Vargo, seconded by Ms. Holland, the ZBA voted to close the Public Hearing at 7:14 pm.

AYES: Hindenlang, Boyce, Holland, and Vargo

NAYS: None

Motion carried.

Ms. Hindenlang called the regular meeting to order at 7:15 pm.

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

Approval of Minutes: Ms. Hindenlang corrected that Application #20-20 was reviewed for timeliness, completedness, and sufficiency, not efficiency, as stated in the minutes.

On motion by Ms. Vargo, seconded by Ms. Holland, the ZBA voted to approve the minutes of December 9, 2020, as corrected.

AYES: Hindenlang, Boyce, Holland, and Vargo

NAYS: None

Motion carried.

Announcements: Ms. Balloni informed the Board that John Greer has resigned as Village Code Enforcement Officer.

Old Business: The ZBA discussed the interpretation of the dock regulations in the Village Zoning Law by two Village Code Enforcement Officers (CEO). Mr. Greer and his predecessor, Mr. Doyle, require an Area Variance for applicants who wish to add a platform/deck to a dock, if it exceeds 8' in width. Ms. Holland believes that the Village follows the Army Corps of Engineers regulations referenced in the law. Army Corps allows for "decks" provided that the total square footage of the dock and deck do not exceed the maximum allowed.

Both CEOs, in their denials, refer to section 405.P1.A.6.c. in the Village Zoning Law which states: "docks shall not exceed eight (8) feet in width" and further add that the Village Law does not differentiate between "docks" and "decks".

Applicants could request an interpretation of the law by the ZBA but all who have had their dock application denied by the CEO have opted to appeal for an Area Variance.

New Business

Application #20-20 from Steve and Randi Zabriskie for an Area Variance for a dock extension at 349 Main St (Tax Map #181.16-1-23.1)

The ZBA reviewed the five criteria when considering an Area Variance request, weighing "the benefit to the applicant with detriment to health, safety and welfare of the community".

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 via Zoom in said Village on the 13th day of January 2021, 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, Laura Holland and Jeri Vargo

ABSENT: none

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

WHEREAS, the Zoning Board of Appeals of the Village of Aurora received an application from Randall and Steve Zabriskie for their property at 349 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 91 foot long and 6 foot wide, ending with a waterward terminus platform measuring 16 feet by 15 feet; and

