

**Zoning Board of Appeals Public Hearing and
Regular Meeting Minutes, August 28, 2024**

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

Present: Chair Karen Hindenlang, Alexis Boyce, Brad Brokaw, and Laura Holland

Absent: Jeri Vargo

Others Present

Village Officials: Clerk Ann Balloni

Members of the Public: Mary Dunn, Richard & Stacy Groth, and Louise Rossmann

Public Hearing

**Application #24-23 from Richard & Stacy Groth for two Area Variances for a garage at 39 Cherry Ave
(Tax Map #182.13-1-8)**

On motion by Boyce, seconded by Brokaw, the ZBA voted to open the public hearing for Application #24-23 at 7:01 p.m.

AYES: Boyce, Brokaw, Hindenlang, and Holland

NAYS: None

ABSENT: Vargo

Motion carried.

SEQR: The ZBA reviewed part 1 of the Short Environmental Assessment Form per the State Environmental Quality Review Act (SEQRA).

On motion by Holland, seconded by Boyce, the ZBA voted to deem Application #24-23 a Type 2 action, requiring no further environmental review.

AYES: Boyce, Brokaw, Hindenlang, and Holland

NAYS: None

ABSENT: Vargo

Motion carried.

Ms. Hindenlang noted that the easement with the neighboring property owner associated with the pre-existing barn is no longer valid now that the barn has been demolished.

Ms. Hindenlang referenced Code/Zoning Enforcement Officer, Bob Rhea's denial letter per section 503, dimensional table, and added that section 405.P.1.A.3.c, accessory structures, is relevant. 10' setbacks are required for side and rear lot-lines, as well as the distance required between primary and accessory structures.

Pictures are included in the file for context of the neighborhood in relation to the proposed garage.

Public Comment

Ms. Hindenlang noted that emails (attached) were received from neighbors, Alan & Carolyn Connors and Lori & Mike Ryan supporting application #24-23.

Richard & Stacy Groth (applicants): The Groths noted that they removed the dilapidated barn and have done significant work on the house to improve the property.

Louise Rossman: Ms. Rossmann questioned the height of the proposed garage, which is 14'. Ms. Rossmann requested that the landscaping on her property bordering the location of the proposed garage not be disturbed. The applicants agreed.

Public Hearing Adjournment: On motion by Holland, seconded by Boyce, the ZBA voted to adjourn the public hearing for Application #24-23 at 7:09 p.m.

AYES: Boyce, Brokaw, Hindenlang, and Holland

NAYS: None

ABSENT: Vargo

Motion carried.

Call to Order: Ms. Hindenlang called the regular meeting to order at 7:10 p.m.

Changes to the Agenda: Review application #24-27 ahead of #24-23.

Approval of Minutes: On motion by Boyce, seconded by Brokaw, the ZBA voted to approve the minutes of July 31, 2024.

AYES: Boyce, Brokaw, Hindenlang, and Holland

NAYS: None

ABSENT: Vargo

Motion carried.

Announcements: The clerk reminded the ZBA to complete their annual, State mandated Workplace Violence and Harassment & Discrimination training.

Old Business: No Old Business was discussed.

New Business

Application #24-27 from Mary Dunn for an Area Variance to extend a front porch at 10 Dublin Hill Road (Tax Map# 182.17-1-34)

Ms. Hindenlang explained that the ZBA is reviewing the application for timeliness, sufficiency, and completeness to schedule a public hearing date.

Ms. Hindenlang noted that Mr. Rhea's denial letter is not dated, and that the applicant needs to complete and submit a Short Environmental Assessment Form (SEAF) for the file. The applicant agreed.

Ms. Hindenlang commented that the property survey submitted is from 1880, noting that the property is still owned by the same family, negating the need for an updated survey.

Ms. Hindenlang confirmed with Mr. Rhea that the side setbacks on the property are greater than 10'; they are 20'.

Ms. Boyce questioned if the application needs New York State Department of Transportation approval due to the variance request falling within the 30' setback from the center line of the road to the front property line. Ms. Hindenlang noted that Dublin Hill is not a State-owned Road but will check with Mr. Rhea on any Town or County highway jurisdiction.

On motion by Brokaw, seconded by Holland, the ZBA voted to deem Application #24-27 timely, sufficient, and complete and set the Public Hearing date for September 25, 2024 at 7:00 p.m.
AYES: Boyce, Brokaw, Hindenlang, and Holland
NAYS: None
ABSENT: Vargo
Motion carried.

Application #24-23 from Richard & Stacy Groth for two Area Variances for a garage at 39 Cherry Ave (Tax Map #182.13-1-8)

Ms. Hindenlang referred to the ZBA members site visit, photos, and Mr. Rhea's outlines on the survey map emphasizing the placement of the garages on similar properties along the street.

Ms. Hindenlang noted that the barn was demolished sometime between December 15, 2021 and January 5, 2022 and, per the village zoning law, the proposed garage is considered a separate structure, not a replacement.

The ZBA considered the five criteria for area variances.

**Tax Parcel Number: Section: #182.13-1-8
RESOLUTION--DECISION ON AREA VARIANCE**

Application # 24-23

At a regular meeting of the Village Zoning Board of Appeals of the Village of Aurora, in Cayuga County, held in the Fire Dept. Meeting Hall, on the 28th day of August 2024, at 7:00 P.M., prevailing time, the meeting was called to order by Karen A. Hindenlang, Chair, and upon roll being called, the following were:

PRESENT: Laura Holland, Alexis Boyce, Karen Hindenlang, and Bradley Brokaw

ABSENT: Jeri Vargo

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

WHEREAS, the Zoning Board of Appeals of the Village of Aurora received an application from Stacy and Rich Groth for two area set-back variances of Sections 503 and 405.P1.A.3c of the Zoning Law of the Village of Aurora to permit

the placement of a 16' by 20' garage (unattached accessory structure) in the north-east rear corner of the property at 39 Cherry Avenue, to be positioned 2' from the rear/north lot line and 2' from the side/east lot line, which would encroach 8' into the 10' setback area required for both the side and rear lot lines

and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed an application from Mr. and Mrs. Groth signed July 8, 2024, which included supporting materials and a completed Short Environmental Assessment Form under the SEQRA; conducted individual sites visits between August 5 and August 27, 2024; held a public hearing on August 28, 2024 and received comments thereat in writing and through photographs from Zoning Inspector Bob Rhea, as well as neighboring property owners Alan and Carolyn Connors, Mike and Lori Ryan, and Louise Rossmann.

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 variances will not create an undesirable change in the character of the neighborhood or detriment to nearby properties in that the garage is in keeping with the character of the neighborhood, is comparable to similar structures with analogous placement on neighborhood properties (specifically 31 and 35 Cherry Ave.) and is in keeping with the existing built and natural environment.

B. The benefits sought by the applicant cannot be achieved by some other feasible method due to the placement of the existing house structure and small size of the lot.

C. The requested variances are substantial in that the incursion is 80% (8 feet of the required 10-foot setback) along a significant portion of the lot lines, i.e., 27% of the north lot line and 21% of the east lot line.

D. 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 affect traffic, it will not produce noise or odor, it does not impinge on wetlands or waterbodies, it is not in an archaeologically sensitive area, and it will not produce storm water discharge. and

E. The alleged difficulty was self-created because the appellant wishes to have a garage.

NOW, THEREFORE, BE IT RESOLVED that the application of Stacy and Rich Groth for approval of two variances (described above) of Sections 503 and 405.P1.A.3c of the Zoning Law of the Village of Aurora is hereby granted for the reasons stated in items A through E above, subject to the following conditions: none.

The question of the foregoing resolution was duly put to a vote as follows:

Laura Holland - Aye

Alexis Boyce - Aye

Bradley Brokaw - Aye

Karen Hindenlang – Aye

Jeri Vargo: Absent

Dated: August 28, 2024, Aurora, New York

By order of the Zoning Board of Appeals of the Village of Aurora

Karen Hindenlang

Chair, Zoning Board of Appeals

Adjournment: On motion by Boyce, seconded by Holland, the ZBA voted to adjourn the meeting at 7:43 p.m.

AYES: Boyce, Brokaw, Hindenlang, Holland, and Vargo

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk