

DRAFT
Zoning Board of Appeals Public Hearing and
Regular Meeting Minutes September 25, 2024
Held in the Aurora Firehouse Meeting Room at 7:00 PM

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

Others Present: Clerk Ann Balloni, Code Enforcement Officer Bob Rhea, and Members of the Public Mary Dunn, Jeff Martin, and Joanna Thornton

Public Hearing

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

On motion by Vargo, seconded by Boyce, the ZBA voted to open the Public Hearing for Application #24-27 at 7:00 p.m.

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

NAYS: None

Motion carried.

SEQR: The ZBA confirmed review of part 1 of the Short Environmental Assessment Form (SEAF), submitted by the applicant.

On motion by Boyce, seconded by Vargo, the ZBA voted to declare application #24-27 a Type 2 Action, requiring no further environmental review.

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

NAYS: None

Motion carried.

Ms. Hindenlang noted that all ZBA members visited the property. The ZBA reviewed a sketch submitted by Officer Rhea (attached), detailing the neighboring properties and noting the distance from the center line of Dublin Hill to the closest front structures on the properties. Ms. Hindenlang instructed the ZBA to add additional measurements from the north side of the street to Officer Rhea's sketch and confirmed that all but one of the 13 properties are less than the 30' setback requirement, with encroachments ranging from 1' to 16'.

Ms. Boyce questioned the rationale for the 30' setback and Officer Rhea surmised that it may be due to snow removal.

Ms. Hindenlang explained the ZBA public hearing procedure and asked for public comment.

Public Comment

Mary Dunn (applicant): Ms. Dunn explained the deterioration of the existing porch and noted that the current space is so small that there is not room for two people to sit comfortably.

Joanna Thornton: Ms. Thornton identified herself as a neighbor and remarked that the applicant extending the porch an additional 2' will not have a negative effect on the neighborhood.

Adjournment: On motion by Vargo, seconded by Holland, the ZBA voted to adjourn the Public Hearing for Application #24-27 at 7:14 p.m.

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

NAYS: None

Motion carried.

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

Changes to the Agenda: Application #24-21 will be reviewed first.

Approval of Minutes: On motion by Brokaw, seconded by Ms. Vargo, the ZBA voted to approve the minutes of August 31, 2024.

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

NAYS: None

Motion carried.

Announcements: Ms. Balloni reminded the ZBA of annual training requirements and informed the board that the Village and Wells College have a signed licenses agreement for the Village to operate the water plant.

Old Business: No Old Business was discussed.

New Business

Application #24-21 from Jeff Martin for a storage container at 46 Sherwood Road (Tax Map #182.09-1-15) The appeal is for an interpretation of the zoning law, based on a denial of the application from the village code enforcement officer.

Ms. Hindenlang explained that the ZBA is reviewing the appeal application to determine if it is “timely, sufficient, and complete” to set a public hearing date.

Ms. Hindenlang questioned why Mr. Martin checked “other” on the application form and explained that only “interpretation” should be checked. Mr. Martin corrected the application.

Ms. Hindenlang further noted that question #1 does not adequately explain the reason for the appeal. Ms. Holland remarked that the description of the appeal on the meeting agenda should suffice for the appeal application. Ms. Hindenlang instructed the applicant to sign and date the language on the agenda, confirming his reason for the appeal. Mr. Martin complied. Ms. Hindenlang instructed the clerk to attach the agenda with Mr. Martin’s signature to the appeal application.

On motion by Brokaw, seconded by Vargo, the ZBA voted to deem Application #24-21 “timely, sufficient, and complete” and to schedule the public hearing date for October 23, 2024.

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

NAYS: None

Motion carried.

Application #24-27 from Mary & Tom Dunn for an Area Variance for a porch addition at 10 Dublin Hill Road (Tax Map #182.17-1-34

Ms. Hindenlang explained that she researched front setback area variances within the village to determine if precedent had been set but did not find any that pertained to Application #24-27.

Ms. Hindenlang noted that both the Town of Ledyard and Cayuga County confirmed via email (attached) that they do not have interest or jurisdiction regarding the appeal for Application #24-27. Dublin Hill Road is a town and county road but within the village of Aurora.

Ms. Hindenlang confirmed that the only public comment received was from Ms. Thornton, no letters or emails were received.

Tax Parcel Number: Section: #182.13-1-10

Application # 24-27

RESOLUTION--DECISION ON AREA VARIANCE

At a regular meeting of the Village Zoning Board of Appeals of the Village of Aurora, in Cayuga County, on the 25 day of September, 2024, at 7:12 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, Brad Brokaw & Jeri Vargo.

ABSENT: none

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

WHEREAS, the Zoning Board of Appeals of the Village of Aurora received an application from Mary Dunn of 10 Dublin Hill Road for a variance of Section 5.01 (Dimensional Requirement) of the Zoning Law of the Village of Aurora to permit

construction of a new one-story enclosed front porch on the north side of the building to be set 24' 6" from the center line at 10 Dublin Hill Road, requiring a setback area variance of a total 5' 6" (including a 1' 6" pre-existing incursion) along 16' 10" of the property's 70' northern boundary and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed an appeal application from Ms. Dunn signed August 23, 2024, which included supporting material and a completed Short Environmental Assessment Form under the SEQRA; conducted individual site visits between August 31, 2024 and September 28, 2024; received comment from the Ledyard Township and Cayuga County Highway Departments, reviewed sketches, maps and notes on neighboring setbacks from the Code Enforcement Officer; and held a public hearing on September 25, 2024; and received comments thereat from applicant Mary Dunn, CEO Robert Rhea, as well as neighboring property owner Joanna Thornton, and

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 benefits sought by the applicant cannot be achieved by some other feasible method due to the applicant's desire to have a more spacious front porch, and that is the space available to achieve said benefit.
- B. The requested variances will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties in that all other nearby houses and structures except one encroach similarly on the 30' set back from the center line of the road,
- C. The requested variance is not substantial in that by extending another 4' beyond the existing 1'6" encroachment, the total 5'6" variance amounts to 18% of the required 30' set back, and it would occupy 16'10" or 24% of the 70' front property 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 (which is relevant , but not determinative) due to applicant's desire for a more spacious porch.

NOW, THEREFORE, BE IT RESOLVED that the application of Mary Dunn for approval of a front set back variance of Section 5.01 of the Zoning Law of the Village of Aurora is hereby granted for the reasons stated in items A through E above.

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

Laura Holland - Aye

Alexis Boyce -Aye

Brad Brokaw - Aye

Jeri Vargo - Aye

Karen Hindenlang - Aye

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

Dated: September 25, 2024, Aurora, New York

Adjournment: On motion by Brokaw, seconded by Ms. Vargo, the ZBA voted to adjourn the meeting at 8:00 p.m.

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

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni

Village Clerk