

**Zoning Board of Appeals Public Hearing and
Regular Meeting Minutes, August 31, 2022**

Held via Zoom 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 Dan Green, and applicant Michael Sonnenstein

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

Ms. Hindenlang noted that Application #22-15 is revised from the initial review on June 28, 2022, but is deemed to be timely, sufficient, and complete. Ms. Hindenlang confirmed with Ms. Balloni that the application # and neighbors are included on the revised form.

Public Hearing

Application #22-15 from Michael Sonnenstein for an Area Variance for a dock at 353-355 Main St (Tax Map #181.16-1-21)

On motion by Vargo, seconded by Brokaw, the ZBA voted to open the Public Hearing for Application #22-15 at 7:03 p.m.

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

NAYS: None

Motion carried unanimously.

Ms. Hindenlang confirmed with Officer Green that the revised appeal is for one variance, that the project meets side setbacks, and all Army Corps and NYSDEC regulations.

Public Comment: No written or verbal comments were received.

Adjournment: On motion by Holland, seconded by Brokaw, the ZBA voted to close the Public Hearing for Application #22-15 at 7:07 p.m.

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

NAYS: None

Motion carried unanimously.

Regular Meeting

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

Approval of Minutes: On motion by Vargo, seconded by Boyce, the ZBA voted to approve the minutes of June 28, 2022.

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

NAYS: None

Motion carried unanimously.

Announcements: Ms. Balloni reminded the Board of their training requirements and informed the members that the Zoning committee to revise the Village Zoning Law will begin meetings on October 11, 2022.

Old Business: No Old Business was discussed

New Business

Application #22-15 from Michael Sonnenstein for an Area Variance for a dock at 353-355 Main St (Tax Map #181.16-1-21

Ms. Hindenlang noted 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.

The ZBA reviewed and fully discussed the Area Variance Criteria and determined that the appeal met 4 of the 5 criteria, as detailed in the resolution below.

ZBA Resolution #22-01

Tax Parcel Number: #181.16-1-21

Log No. #22-15

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 31st day of August, 2022, 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, Brad Brokaw, Karen Hindenlang, Laura Holland, 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 Michael and Diane Sonnenstein for their property at 353/355 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 16 feet by 15 feet; and

WHEREAS, in connection with such application, the Zoning Board has received and reviewed an application and short EAF, considered information from individual site visits conducted by all board members, solicited written comments from neighboring property owners, and held a public hearing on August 31, 2022, and received comments thereat from code enforcement officer Dan Greene, 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 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

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 platform area will increase safety for those using the dock to moor boats, or to embark or disembark from the dock and enhance enjoyment of the property

C. The requested variance **is not** substantial in that the proposed dock adheres to a 6 foot width (25% less than allowed) for 77' of its total proposed 92' length; and at the terminus the dock turns 90° and widens to 15 feet along a length of 16 feet to create a platform 240 square feet in size; and this deck gives the entire proposed structure an area of 702 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 **cannot** be achieved by other feasible means, as any terminus platform of any size greater than the allowed dock width of 8' would require a variance

E. The alleged difficulty **was** determined on balance to be self-created because the applicant wishes to have a permanent dock constructed with a waterward terminus platform under our code

NOW, THEREFORE, BE IT RESOLVED that the application of Michael and Diane Sonnenstein 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
Brad Brokaw	AYE
Karen Hindenlang	AYE
Laura Holland	AYE
Jeri Vargo	AYE

Vote: 5-0

Adjournment: On motion by Vargo, seconded by Brokaw, the ZBA voted to adjourn the meeting at 7:35 p.m.

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

NAYS: None

Motion carried unanimously.

Respectfully submitted,

Ann Balloni
Village Clerk