

**VILLAGE OF WATKINS GLEN ZONING BOARD**

Municipal Building Board Room  
303 N. Franklin St., Watkins Glen, NY

**May 28, 2020**

6:00 p.m.

**AGENDA**

- 1. PLEDGE OF ALLEGIANCE**
- 2. APPROVAL OF MINUTES**
  - a) Regular Meeting February 5, 2020
  - b) Regular Meeting April 30, 2020
- 3. SETBACK VARIANCE**
  - a) Shoreline Home Development LLC (148 S Monroe St)
- 4. ZONING LAW LANGUAGE INTERPRETATION**
  - a) Cottage Industry - Art & Nancy's
- 5. BOARD CONCERNS/NEW BUSINESS**
- 6. ADJOURNMENT**

Village of Watkins Glen  
303 North Franklin Street, Watkins Glen, NY 14891  
Phone: (607) 535-2736 Fax: (607) 535-7621  
Zoning Board of Appeals  
Application for Zoning Review

Application #: \_\_\_\_\_ Date: 3/3/20

Applicant(s): Shoreline Home Development LLC  
Address: PO Box 431  
Watkins Glen NY 14891

Nature of Review Request:  Area Variance (Dimensional Relief-setbacks, height, etc.)

Official Zoning Law Language Interpretation / Appeal of  
Zoning Administrator's Decision

Use Variance (For a Use Not Permitted in Subject District)

Zoning Law Citation: Article: 5  
Section: 5.1 Bulk + Density Control schedule  
Subsection:  
Paragraph:

Nature of Complaint/Relief Sought:

- Minimum Front yard setbacks:  
10' is required. Actual is approx. 1'
- minimum side yard setback:  
6' is required. Actual is approx. 2'

I agree to be present in person or have a representative appear on my behalf at any meeting of the Zoning Board of Appeals regarding my request and to provide such additional information as may be necessary to process my request. If a representative is to appear on my behalf, I will provide the Board with a written authorization for such representative to speak on my behalf.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Applicant



**The Village of Watkins Glen**  
303 North Franklin Street  
Watkins Glen, NY 14891  
Phone: 607-535-2736  
Fax: 607-535-7621  
TTY: 800-662-1220

**I wanted to provide these notes to give a bit of background. The following is a partial summary of recent events concerning 148 S Monroe St:**

**Bill LaForte, a village attorney, discovered that the parcel at 148 S Monroe St has two principal structures on it. The construction of the North structure occurred in 2015 with the approval from the Village Code Enforcement Official. The building permit was for a \$5,000 accessory structure, and no construction documents were required or provided.**

**The Code official required the property owner to “connect” the new structure to the older structure, to the South, with a deck, and running the sewer line and water supply line under the deck and attaching to the older structure’s sewer and water. This was done so the Code Official could call the new structure an “addition”.**

**There was a meeting to determine if the structure was an addition or principle structure. The meeting included: The Mayor; two Planning board members; one Zoning board member; Kristin Van Horn, Schuyler County Planning Director; Attorney Bill LaForte; and myself. The conclusion was that the North structure is a principle structure, and had to come into compliance with our Zoning Law.**

**So, the first step taken was to ask for a variance for a second principle structure on the parcel. The County Planning Commission rejected the request. At the village Zoning meeting, the request was withdrawn due to a conversation between Village Attorney Bill LaForte and the property owner’s attorney, Aimee Churchill.**

**Therefore, the following “problems” still exist with the newer structure to the North:**

- 1. 5.1 - Minimum dwelling unit area required. 1,200 sq ft needed. 980 sq ft actual.**
- 2. 5.4.B - One principal structure per parcel.**
- 3. 5.5 - Distance between 2 principle structures. 16 ft needed. 9 ft actual**
- 4. 5.1 - Side yard setback. 6 ft needed. 2 ft actual**
- 5. 5.1 - Front yard setback. 10 ft needed. 1 ft actual**
- 6. 9.4.2 - Off street parking. 2 required. 0 actual**

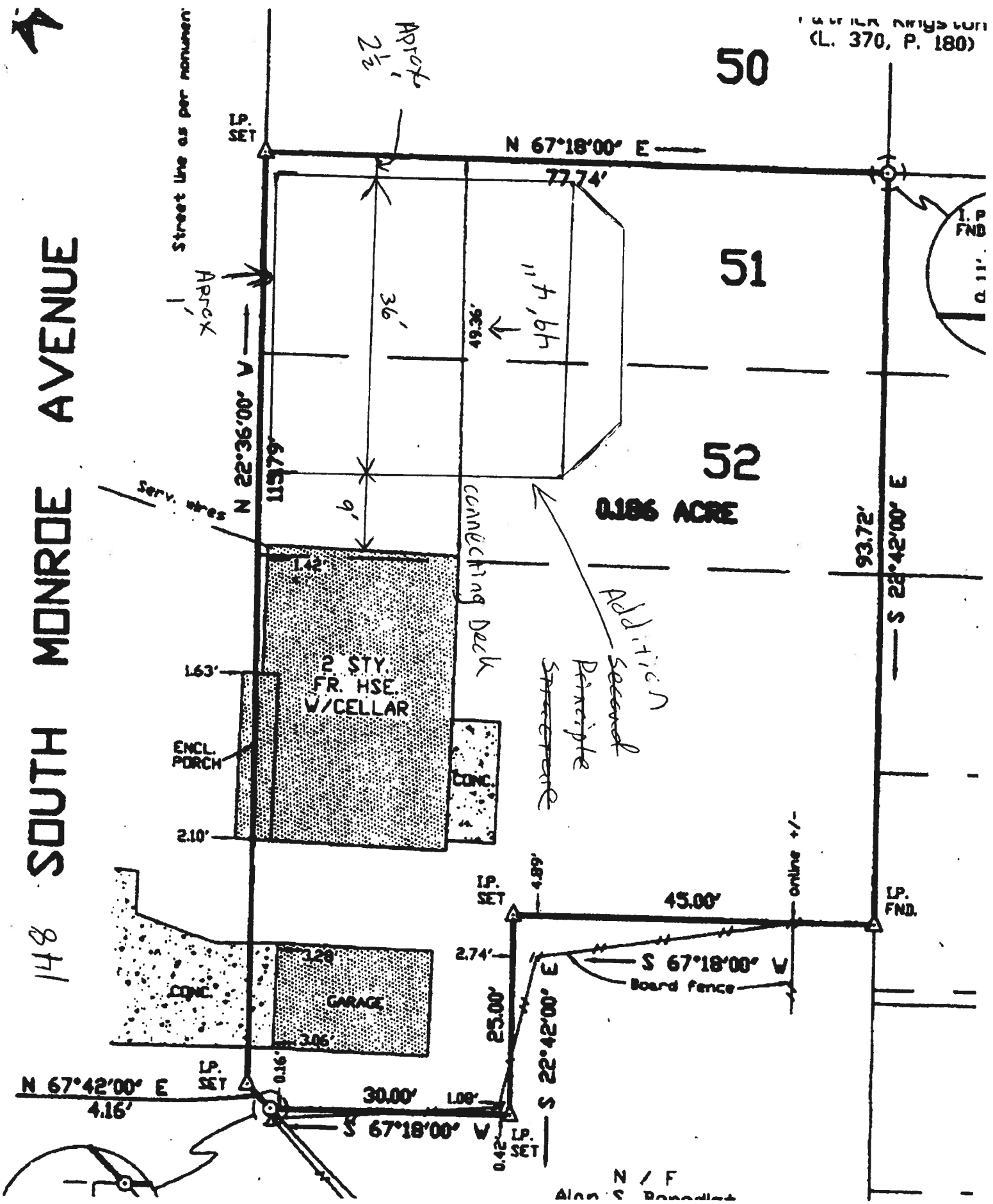
**Also, concerns have been brought up about the structural stability. And, since we have no construction documents, we don’t know if the “post foundation system” passes code. So, it has been suggested that a “compliance engineer” inspect the posts and footers to determine its compliance. And similarly, the water supply and sewer lines would have to come into compliance.**

**Darrin**

*The Village of Watkins Glen is an equal opportunity provider and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html), or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7142 or email at [program.intake@usda.gov](mailto:program.intake@usda.gov)*

# 148 SOUTH MONROE AVENUE

PLAT OF L. P. FND. (L. 370, P. 180)



50

51

52

0.186 ACRE

L.P. FND.  
0.11'

93.72'

S 22°42'00" E

45.00'

S 67°18'00" W  
Board Fence

N 67°42'00" E  
4.16'

30.00'

25.00'

S 22°42'00" E

N / F  
Along S. Boulevard

Street Use as per monuments

LP SET

APPROX  
1'

N 22°36'00" E  
115.79'

Serv. lines

1.63'

ENCL. PORCH

2.10'

2 STY. FR. HSE. W/CELLAR

328  
306  
GARAGE

connecting Deck

Application  
Second  
Principle  
Structure

LP SET

LP FND.

online +/-

APPROX  
2 1/2'

N 67°18'00" E

77.74'

36'

49.36'

11'7", 6h

9'

2.74'

2.74'

0.42' LP SET



### GENERAL MUNICIPAL REFERRAL FORM

Required pursuant to General Municipal Law Article 12B. Sections 239-l, -m, or n.

- 1. Municipality:  Town of \_\_\_\_\_  Village of Watkins Glen
- 2. Referring body:  Planning Board  Zoning Board of Appeals  Legislative Body
- 3. Name, title, and address of official to whom our recommendation is to be mailed: \_\_\_\_\_  
Darrin Stocum CEO 910 S Decatur St Watkins Glen NY 14891

- 4. Jurisdictional Determination:  
Project is located within 500 feet of the following (existing or proposed):  
 Municipal Boundary  
 State or County Road  
 State or County Facility  
 State or County Park  
 Agricultural District  
 County-owned stream or drainage channel  
 Other (specify): \_\_\_\_\_
- 5. Type of Referral:  
 Site Plan Review  
 Special Use Permit  
 Subdivision Review →  Preliminary  Final  
 Area Variance  
 Use Variance  
 Zoning Map Amendment/Adoption  
 Zoning Text Amendment/Adoption  
 Comprehensive Plan Amendment/Adoption  
 Other (specify): \_\_\_\_\_

- 6. Applicant's Name: Shoreline Home Development LLC Lori Bernagozzi  
Address: PO Box 431  
Watkins Glen NY 14891  
Phone: 607-703-9095

- 7. Location of real property pertaining to referral (**fill out completely**):  
A. Street Address: 148 S Monroe St  
B. Tax Parcel ID Number: 65.13-4-14 C. Dimensions/Area of Property: .186 acre  
D. Existing Zoning District: RT

8. Brief written summary of proposed action: Area variances for side and front yard setbacks

---

- 9. Supporting Documents (\* - **Mandatory for all referrals**)  
 \*Sketch of proposal drawn to scale depicting existing and proposed buildings, proposed ingress/egress, internal traffic circulation pattern, designated parking areas, and north arrow.  
 \*Location map(s)  \*Municipal Application Form  Existing Area Zoning  
 Subdivision plat(s)  Copies of textual amendments  
 SEQR Environmental Assessment Form (EAF)    I    II    III  
 Other (specify): \_\_\_\_\_

- 10. Other involved agencies (i.e., other agencies having permitting authority).  
 Schuyler County Department of Health  Schuyler County Highway Department  
 Schuyler County Soil and Water Conservation District

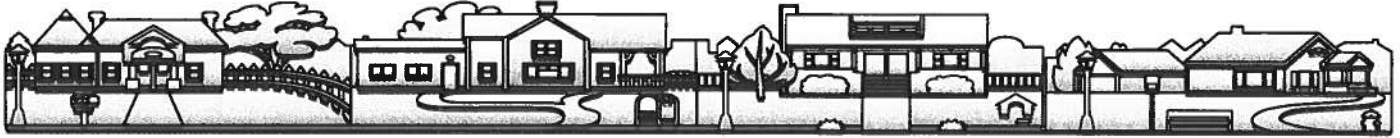
Send completed form & enclosures to:  
**Schuyler County Planning Commission**  
**105 Ninth Street, Unit 39, Watkins Glen, NY 14891**  
Telephone: 607-535-8211 Fax: 607-535-8193  
<http://www.schuylercounty.us/planning>

**OFFICE USE ONLY**  
Referral number: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Reviewed By: \_\_\_\_\_

# Schuyler County Planning Commission

105 Ninth Street, Unit 39, Watkins Glen, NY 14891

Telephone: 607.535.8211 Fax: 607.535.8193



GENERAL MUNICIPAL LAW, SECTIONS 239-L, -M, OR -N

## NOTICE OF COUNTY RECOMMENDATION

Referral Number: #20-003a, ZBA, Village of Watkins Glen

Applicant: Shoreline Development LLC Location: 148 S. Monroe Street

The Schuyler County Planning Commission, at its meeting on 5/14/2020, reviewed the above referral as per Section 239 of the General Municipal Law of New York State. GML 239 states that "the county planning agency shall review any proposed action referred for inter-community or county-wide considerations..., and shall recommend approval, modification, or disapproval of the proposed action, or report that the proposed action has no significant county-wide or inter-community impact." Based on the information available, the Schuyler County Planning Commission's decision is as follows:

### Schuyler County Planning Commission Recommends:

- Approval of this action.
- Approval of this action with **minor modifications** (see attached)
- Disapproval of this action. Reasons:

**\* Please be advised that, according to GML 239, your local board cannot act contrary to this recommendation except by a vote of a majority plus one of all its members.**

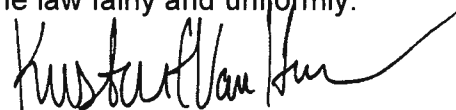
- No Recommendation as to final action.** (no significant county-wide or inter-community impact)

Reasons

The project will not have a significant impact on the County. The County Planning Commission recommends that the ZBA apply the law fairly and uniformly.

5/18/2020

Date



Kristin VanHorn  
Director of Planning

**NOTE:** Sections 239-1 and 239-m of the General Municipal Law of the State of New York requires that the municipal body having jurisdiction over this matter shall not act contrary to any disapproval or recommended modification contained herein, except by a vote of a majority plus one of the total voting power of said municipal body and only after the adoption of a resolution fully setting forth the reasons for such contrary action; and,

A. Section 239-m further requires that the municipal agency having jurisdiction on this matter, shall, within seven (7) days after its final action, file with Schuylers County Planning Commission, a report describing the final action.

This recommendation only addresses those significant County-wide or inter-municipal impacts that have been identified. There may be significant local impacts or controversy. This statement does not address the proposed action's compliance with all applicable local regulations; or with any other county, state, or federal requirements, including the provisions of the New York State Environmental Quality Review Act (SEQRA).

For your convenience, a reply form is enclosed for your use. Simply write in what action was taken and mail it back to the address on the form. Please note that if your local board approves an action contrary to a recommendation for modification or disapproval, the report of final action must set forth the reasons for the contrary action. Thank you.

If you have any questions regarding this matter or about the GML 239 referral process, please contact the Schuylers County Planning Department at (607) 535-8211.

-----VILLAGE OF WATKINS GLEN-----  
910 SOUTH DECATUR STREET, WATKINS GLEN, NY 14891  
Phone: (607) 535-6871 E-mail: codeenforcement@watkinsglen.us  
Code Enforcement Officer: Greg Larnard  
NYS Certification #: 1213-0315

GENERAL ZONING AND BUILDING CONSTRUCTION PERMIT APPLICATION

Application # \_\_\_\_\_ Receipt # \_\_\_\_\_ Permit # 1045-15 Zone: RT Date: 5/28/15

APPLICANT Name: Darin Parsons Lori Bernagorzi Phone: 607-703-9003  
Address: 261 Academy RD Lakemont

LANDOWNER Name: Darin Parsons Lori Bernagorzi Phone: 607-703-9003  
Address: \_\_\_\_\_

PROJECT Location: 148 South Monroe St  
Tax Map # 65.13-4-14 Project Cost: \$ 5,000 Permit Fee: \$ 51.00  
Specifics (check which applicable): Residential  Commercial  New Construction   
Renovation, Alteration, Conversion  Structural Repair  Installation  Fence  Pool  Sign   
Solid Fuel Burning Device  Addition  Porch  Carport  Deck  Driveway  Chimney   
Other  Description: Accessory Building

COMPLIANCE Does this project comply with all Village of Watkins Glen zoning regulations? Yes  No   
**IF "NO" DO NOT PROCEED, A PERMIT CANNOT BE ISSUED AT THIS TIME!**  
Does this project require a Site Plan Review by the Village Planning Board? Yes  No   
**IF "YES" YOU MUST COMPLETE THE SITE PLAN REVIEW PROCESS!**

CONTRACTOR Name: Darin Parsons Phone: 607-703-9003  
Address: \_\_\_\_\_

ARCHITECT OR ENGINEER Name: same Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

- Unless individually waived by the Code Enforcement Officer this application must be accompanied by the following:
- A set of specifications describing the nature of the work to be performed, the materials to be used and installed and, if applicable, details of structural, mechanical, electrical and plumbing installations.
  - A plot plan showing the location of the lot and buildings on premises, relationship to adjoining premises or streets, and details of project.
  - An affidavit by the owner (if this application is not signed by the owner) stating that the proposed project and associated inspections are authorized.

By signing this form, I certify that the information that I have provided is true and accurate to the best of my knowledge. I also understand that the work described on this application cannot be commenced before the issuance of a building/construction permit. I also authorize the Code Enforcement Officer permission to inspect the premises without the need of a search warrant. I understand that making false statements on this document is punishable by law.

Applicant: [Signature] Date: \_\_\_\_\_ Landowner: \_\_\_\_\_ Date: \_\_\_\_\_

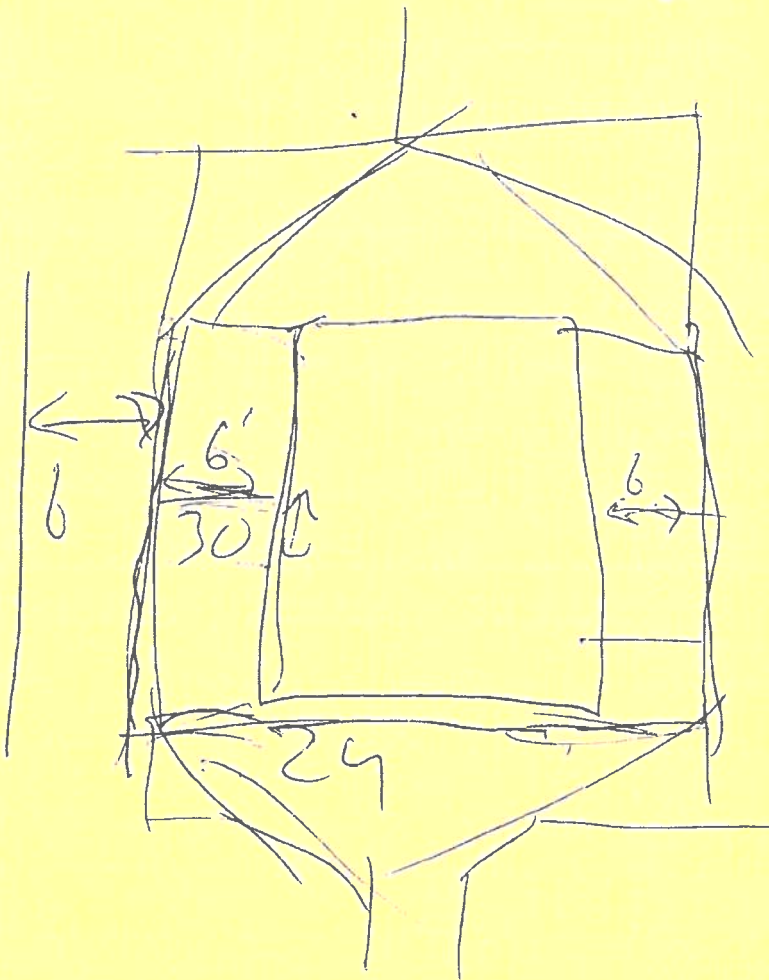
General Municipal Law #125, Chapter 439 Adds new requirements that a building permit shall not be issued unless the applicant provides either proof of Workers Compensation and Disability coverage, or documentation of exemption from same.



Dassons 148 S. Monre Accessory Building

$$\begin{array}{r} 2 \\ 12 \\ \hline 40 \\ 20 \\ \hline 20 \end{array}$$

10 ft



Village of Watkins Glen  
303 North Franklin Street, Watkins Glen, NY 14891  
Phone: (607) 535-2736 Fax: (607) 535-7621  
Zoning Board of Appeals  
Application for Zoning Review

Application #: \_\_\_\_\_

Date: 4/27/20

Applicant(s): Art + Nancy's

Address: 204 9th Street  
Watkins Glen NY

Nature of Review Request: [ ] Area Variance (Dimensional Relief-setbacks, height, etc.) (About Seneca Sunrise Care)

Official Zoning Law Language Interpretation / ~~Appeal of Zoning Administrator's Decision~~

[ ] Use Variance (For a Use Not Permitted in Subject District)

Zoning Law Citation: Article: 9                      9  
Section: ~~20~~ 20  
Subsection: 1                                      2  
Paragraph: A                                      H

Nature of Complaint/Relief Sought:

I would like an "official language interpretation" of the above 2 zoning law requirements. It seems like a cottage industry can't be "primarily" wholesale or retail sales.

I agree to be present in person or have a representative appear on my behalf at any meeting of the Zoning Board of Appeals regarding my request and to provide such additional information as may be necessary to process my request. If a representative is to appear on my behalf, I will provide the Board with a written authorization for such representative to speak on my behalf.

By: [Signature]  
Applicant

Date: 4/27/20



REGULAR MEETING OF THE VILLAGE OF WATKINS GLEN  
ZONING BOARD OF APPEALS  
HELD WEDNESDAY, FEBRUARY 5, 2020

### PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:07pm by Stacy Gray who led the assembled in the pledge of allegiance. Present were Stacy Gray, David Hertel, Colleen Chavchavadze, Roger Hugo, Sue Olevnik, Code Enforcement Officer Darrin Stocum, Attorney Bill LaForte and Deputy Clerk Barbara Peterson.

### APPROVAL OF MINUTES

David Hertel moved to approve the minutes of October 28, 2019. Roger Hugo seconded, and the motion passed unanimously.

Sue Olevnik moved to open the public hearings. Colleen Chavchavadze seconded and the motion passed unanimously.

6:08 pm      Public Hearings opened.

#### Holy Cow (410-412 S. Franklin) – Sign Variance

Ryan Van Horn and Jeremy Hogan of J&H Design were present on behalf of Holy Cow. Mr. Hogan presented the request for a twelve (12) foot freestanding sign to be placed in a parking spot located in the south portion of the lot. Other locations such as on the roof, or hanging from the roof would hinder maximum visibility, and/or may only be seen from one direction. Freestanding signs are allowed in the business district, but not in zone BT-Business Transitional. The current sign is non-conforming and back lit. Owners could continue to use that sign. Board went through the Use Variance Findings: 1) No financial hardship evidence was presented, 2) Alleged hardship is unique, 3) The requested variance would not alter the essential character of the neighborhood, and 4) the alleged hardship is self-created. David Hertel moved to approve the Holy Cow sign variance as presented. Roger Hugo seconded and the motion passed 4-1 with Colleen Chavchavadze voting “nay”.

#### D&L Miscellany (1004 N. Decatur) – Use Variance

Dawn Lewis, Lori Elliott, and Amanda Rodriguez were present. Ms. Elliott presented the plan to open a miscellaneous gift shop in the main floor of their home. The applicants would prefer to not have a storefront as it would defeat the purpose of a quaint, homey atmosphere and keeping overhead to a minimum. Discussion regarding cottage industries ensued. Colleen Chavchavadze read the exceptions. There would be no modifications to the structure. The Board and Attorney LaForte determined that the applicants meet the requirements for a Cottage Industry. David Hertel moved to deny the variance with the understanding the applicants will move forward as a Cottage Industry. Colleen Chavchavadze seconded and the motion passed unanimously.

#### Seneca Long View (TBD Lakeside Lots) – Area (Setback) Variances

Steven Welliver of Seneca Long View and Amanda Ratchford of Hunt were present on behalf of Seneca Long View. Ms. Ratchford noted the setbacks for this zone are thirty (30) feet from the edge of the sidewalk, and they are requesting a variance for twenty (20) feet. The shorter setbacks are not on the edge of the property and would not affect any neighbors. Colleen Chavchavadze moved to grant the area (setback) variance as requested. David Hertel seconded and the motion passed unanimously.

#### Watkins Glen, Inc. (326 S. Madison) – Use Variance

Kirk Sorenson and Nathan Caplan were present. The applicants want the property to revert back to a duplex, like it was originally. The house was built in 1790. The footprint is not being changed, nor are ingress/egress points. One unit will have 3 bedrooms and the other will have 2 bedrooms. The property was listed on prior year tax rolls as a duplex. The site lends itself to two (2) smaller units, rather than one (1) large unit due to long term rental prices. Discussion regarding restrictions ensued. David Hertel moved to approve the use variance as presented. Roger Hugo seconded and the motion passed unanimously.

#### Wojcik (6 Orchard) – Use and Area Variances

Martin Wojcik, owner, and George Welch, Attorney were present. Attorney Welch presented the history of the property noting the small porch area was permitted to build out as a seasonal residence in 1965 on a preexisting foundation. The structure has been on the tax rolls since 1986. The building envelope has not changed. Code Enforcement Officer (CEO) Stocum noted that when the kitchen was added, it became a principle structure. CEO Stocum informed the Board that the only permit on file for the structure was for three (3) new windows and a door. Area of the second structure is 1356 square feet. It has its own water and electric meters. Owners were told it did not need a dedicated sewer line as it was acceptable to branch off the main structure. Owners maintain that the Building Official at the time was privy to all information as it was happening on the property, and that they were in compliance. Attorney LaForte noted that even if a former Village official allowed something, it does not make it legal. Any permit bestowed does not vest any legal rights. The property could still be used as single-family dwelling such as a mother-in-law apartment. The structure must comply with existing zoning. Owner would like to be able to use as a long-term rental or a short-term rental with limitations in order not to lose \$100,000.00 investment. After discussion regarding district intent and setbacks, David Hertel moved to not accept the proposed use variance for a second principle structure. Sue Olevnik seconded, and the motion passed 4-1 with Roger Hugo voting “nay”. Request denied.

#### Menio (107 Eleventh) – Area Variance

Lorraine Menio was present. The Planning Board had previously approved the restaurant project. The Menio’s are requesting an addition which changes the site plan. Owners are requesting an area variance for setbacks. The Planning Board had approved the setbacks at 16 feet and this request is change them to 4 feet. On the original site plan, the area for the addition was just an existing concrete pad. A new enclosed addition will make the area neater and cleaner in appearance. After brief discussion, David Hertel moved to approve an area variance for a setback variance for the addition as presented. Roger Hugo seconded and the motion passed unanimously.

#### Shoreline Home Development (148 S. Monroe) – Use and Area Variances

Lori Bernagozzi and Attorney Amy Churchill were present on behalf of Shoreline Home Development. Chairman Stacy Gray recused herself. Colleen Chavchavadze moved to nominate David Hertel as Acting Chairman. Sue Olevnik seconded and the motion passed unanimously.

Attorney Churchill noted that Ms. Bernagozzi has submitted 2 short-term rental applications – one for the main structure and the other for the accessory structure which are connected with plumbing and a porch, maintaining that the connecting deck makes it an addition. CEO Stocum noted that if the accessory structure can exist as a principle structure, then it is out of compliance. The second structure is not winterized and has separate cooking facilities. Sue Olevnik read from realtor.com where the property is currently being advertised as 2 homes, which are not permitted on 1 lot. Applicant withdrew all variance requests. Discussion regarding the kitchen, overnight stays and compliance issues ensued. Acting Chairman Hertel closed discussion on the variances due to the withdrawal. Colleen Chavchavadze seconded and the motion passed unanimously.

Acting Chairman Hertel closed all public hearings. Sue Olevnik seconded and the motion passed unanimously.

## BOARD CONCERNS/NEW BUSINESS

### ADJOURNMENT

With no further business to come before the Board, Colleen Chavchavadze moved to adjourn the meeting at 8:55pm. Sue Olevnik seconded, and the motion passed unanimously. Meeting Adjourned.

Respectively Submitted,

Barbara J Peterson  
Deputy Clerk/Treasurer

## Barbara Peterson

---

**From:** Bill LaForte <BLAFORTE@TREVETTCRISTO.COM>  
**Sent:** Wednesday, May 13, 2020 2:00 PM  
**To:** Barbara Peterson  
**Subject:** Re: Wojcik vs. Village of Watkins Glen

I am absolutely fine with that! Thanks

Sent from my iPhone

On May 13, 2020, at 1:48 PM, Barbara Peterson <deputyclerk@watkinsglen.us> wrote:

Bill,

This is what the minutes say – and I apologize again – I get Planning and Zoning confused a lot. I've highlighted your review area. Just let me know if you agree with what has been written.

Thanks again - Barb

### [Wojcik \(6 Orchard\) – Use and Area Variances](#)

Martin Wojcik, owner, and George Welch, Attorney were present. Attorney Welch presented the history of the property noting the small porch area was permitted to build out as a seasonal residence in 1965 on a preexisting foundation. The structure has been on the tax rolls since 1986. The building envelope has not changed. Code Enforcement Officer (CEO) Stocum noted that when the kitchen was added, it became a principle structure. CEO Stocum informed the Board that the only permit on file for the structure was for three (3) new windows and a door. Area of the second structure is 1356 square feet. It has its own water and electric meters. Owners were told it did not need a dedicated sewer line as it was acceptable to branch off the main structure. Owners maintain that the Building Official at the time was privy to all information as it was happening on the property, and that they were in compliance. Attorney LaForte noted that even if a former Village official allowed something, it does not make it legal. Any permit bestowed does not vest any legal rights. The property could still be used as single-family dwelling such as a mother-in-law apartment. The structure must comply with existing zoning. Owner would like to be able to use as a long-term rental or a short-term rental with limitations in order not to lose \$100,000.00 investment. After discussion regarding district intent and setbacks, David Hertel moved to not accept the proposed use variance for a second principle structure. Sue Olevnik seconded, and the motion passed 4-1 with Roger Hugo voting “nay”. Request denied.

### Barbara J Peterson

Deputy Clerk/Treasurer  
Village of Watkins Glen  
303 North Franklin Street  
Watkins Glen, NY 14891  
607/535-2736 Office  
607/535-7621 Fax





REGULAR MEETING OF THE VILLAGE OF WATKINS GLEN  
ZONING BOARD OF APPEALS  
HELD WEDNESDAY, APRIL 30, 2020 *via ZOOM*

### PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:09pm by Stacy Gray who led the virtual assembled in the pledge of allegiance. Present were Stacy Gray, David Hertel, Colleen Chavchavadze, Roger Hugo, Sue Olevnik, Code Enforcement Officer Darrin Stocum, and Deputy Clerk Barbara Peterson. There were 4 others in attendance.

David Hertel moved to add an Executive Session after Board Concerns for the purposes of obtaining legal advice. Roger Hugo seconded and the motion passed unanimously.

### APPROVAL OF MINUTES

Board concurred to have Attorney Bill LaForte confirm wording in minutes attributed to him. Colleen Chavchavadze moved to table the minutes of February 5, 2020. David Hertel seconded, and the motion passed unanimously.

### ARC (205 12<sup>th</sup> Street) – Sign Variance

Jeremy Hogan of JH Design was present on behalf of ARC. Mr. Hogan acknowledged setback issues with the current signage, and stipulated he would like to pull out all existing signage, update and replace in all current location, noting that the largest sign is being brought down to the required height of 72”.

6:24 pm Colleen Chavchavadze moved to open the public hearing. David Hertel seconded and the motion passed unanimously.

Due to existing building and fence locations, there are no other options for sign locations. Free standing signs are not allowed in this zone. This is a pre-existing, non-conforming situation that is being brought closer into compliance. Board went through the variance findings. Mr. Hogan could not answer if there would be a realization of a reasonable return; how the building was built makes it a unique situation, variance does not alter the character of the neighborhood, and the alleged hardship is not self-created.

### BOARD CONCERNS

#### Zoning Code Update Committee – Appoint Representative

Dave Hertel moved to nominate Stacy Gray to the Zoning Code Update Committee. Colleen Chavchavadze seconded and the motion passed unanimously.

6:54 pm Colleen Chavchavadze moved to close the public hearing. David Hertel seconded and the motion passed unanimously.

David Hertel moved to approve the sign variance as presented. Roger Hugo seconded and the motion passed unanimously.

### Executive Session

Colleen Chavchavadze moved to go into executive session for the purposes of receiving legal advice. David Hertel seconded and the motion passed unanimously.

6:57 pm Executive session commenced.

7:36 pm Executive session concluded. Participants were Roger Hugo, Stacy Gray, David Hertel, Colleen Chavchavadze, Darrin Stocum, Attorney David Ealy, and Clerk Barbara Peterson. No concerns were noted.

### ADJOURNMENT

Dave Hertel moved to adjourn the meeting. Roger Hugo seconded and the motion passed unanimously.

7:37 pm Meeting adjourned.



#### Seneca Long View (TBD Lakeside Lots) – Area (Setback) Variances

Steven Welliver of Seneca Long View and Amanda Ratchford of Hunt were present on behalf of Seneca Long View. Ms. Ratchford noted the setbacks for this zone are thirty (30) feet from the edge of the sidewalk, and they are requesting a variance for twenty (20) feet. The shorter setbacks are not on the edge of the property and would not affect any neighbors. Colleen Chavchavadze moved to grant the area (setback) variance as requested. David Hertel seconded and the motion passed unanimously.

#### Watkins Glen, Inc. (326 S. Madison) – Use Variance

Kirk Sorenson and Nathan Caplan were present. The applicants want the property to revert back to a duplex, like it was originally. The house was built in 1790. The footprint is not being changed, nor are ingress/egress points. One unit will have 3 bedrooms and the other will have 2 bedrooms. The property was listed on prior year tax rolls as a duplex. The site lends itself to two (2) smaller units, rather than one (1) large unit due to long term rental prices. Discussion regarding restrictions ensued. David Hertel moved to approve the use variance as presented. Roger Hugo seconded and the motion passed unanimously.

#### Wojcik (6 Orchard) – Use and Area Variances

Martin Wojcik, owner, and George Welch, Attorney were present. Attorney Welch presented the history of the property noting the small porch area was permitted to build out as a seasonal residence in 1965 on a preexisting foundation. The structure has been on the tax rolls since 1986. The building envelope has not changed. Code Enforcement Officer (CEO) Stocum noted that when the kitchen was added, it became a principle structure. CEO Stocum informed the Board that the only permit on file for the structure was for three (3) new windows and a door. Area of the second structure is 1356 square feet. It has its own water and electric meters. Owners were told it did not need a dedicated sewer line as it was acceptable to branch off the main structure. Owners maintain that the Building Official at the time was privy to all information as it was happening on the property, and that they were in compliance. Attorney LaForte noted that even if a former Village official allowed something, it does not make it legal. Any permit bestowed does not vest any legal rights. The property could still be used as single-family dwelling such as a mother-in-law apartment. The structure must comply with existing zoning. Owner would like to be able to use as a long-term rental or a short-term rental with limitations in order not to lose \$100,000.00 investment. After discussion regarding district intent and setbacks, David Hertel moved to not accept the proposed use variance for a second principle structure. Sue Olevnik seconded, and the motion passed 4-1 with Roger Hugo voting “nay”. Request denied.

#### Menio (107 Eleventh) – Area Variance

Lorraine Menio was present. The Planning Board had previously approved the restaurant project. The Menio’s are requesting an addition which changes the site plan. Owners are requesting an area variance for setbacks. The Planning Board had approved the setbacks at 16 feet and this request is change them to 4 feet. On the original site plan, the area for the addition was just an existing concrete pad. A new enclosed addition will make the area neater and cleaner in appearance. After brief discussion, David Hertel moved to approve an area variance for a setback variance for the addition as presented. Roger Hugo seconded and the motion passed unanimously.

#### Shoreline Home Development (148 S. Monroe) – Use and Area Variances

Lori Bernagozzi and Attorney Amy Churchill were present on behalf of Shoreline Home Development. Chairman Stacy Gray recused herself. Colleen Chavchavadze moved to nominate David Hertel as Acting Chairman. Sue Olevnik seconded and the motion passed unanimously.

Attorney Churchill noted that Ms. Bernagozzi has submitted 2 short-term rental applications – one for the main structure and the other for the accessory structure which are connected with plumbing and a porch, maintaining that the connecting deck makes it an addition. CEO Stocum noted that if the accessory structure can exist as a principle structure, then it is out of compliance. The second structure is not winterized and has separate cooking facilities. Sue Olevnik read from realtor.com where the property is currently being advertised as 2 homes, which are not permitted on 1 lot. Applicant withdrew all variance requests. Discussion regarding the kitchen, overnight stays and compliance issues ensued. Acting Chairman Hertel closed discussion on the variances due to the withdrawal. Colleen Chavchavadze seconded and the motion passed unanimously.

Acting Chairman Hertel closed all public hearings. Sue Olevnik seconded and the motion passed unanimously.

## BOARD CONCERNS/NEW BUSINESS

### ADJOURNMENT

With no further business to come before the Board, Colleen Chavchavadze moved to adjourn the meeting at 8:55pm. Sue Olevnik seconded, and the motion passed unanimously. Meeting Adjourned.

Respectively Submitted,

Barbara J Peterson  
Deputy Clerk/Treasurer