



REGULAR MEETING OF THE VILLAGE OF WATKINS GLEN
ZONING BOARD OF APPEALS
HELD WEDNESDAY, MAY 28, 2020 *via ZOOM*

PLEDGE OF ALLEGIANCE

The public session of the meeting was called to order at 6:09pm by Stacy Gray. 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. There were 7 others in attendance.

APPROVAL OF MINUTES

Colleen Chavchavadze moved to approve the minutes of February 5, 2020 as presented. Dave Hertel seconded and the motion passed unanimously. Dave Hertel moved to approve the minutes of April 30, 2020 as presented. Colleen Chavchavadze seconded and the motion passed unanimously.

Board concurred to move the Cottage Industry interpretation first on the agenda. David Hertel moved to open the public hearing for all agenda items. Colleen Chavchavadze seconded and the motion passed unanimously

6:16 pm Public hearings opened.

Cottage Industry Interpretation – Art & Nancy’s

Jeff Fazzari was present on behalf of Art & Nancy’s. Mr. Fazzary was informed that if he needed a general law interpretation, that was acceptable, but if he wished to talk about one specific place, that was not acceptable. David Hertel read 9.20.2 General Regulations. Mr. Fazzary started to talk about specifics of a property. Dave Hertel move to table until can notify and reschedule. Code Enforcement Official (CEO) Darrin Stocum noted this is not an appeal. According to Article 78, appeals of a Planning Board decision must be filed as a law suit. Colleen Chavchavadze seconded. Colleen Chavchavadze noted that issues have come up before regarding cottage industries such as certain sections of the code referring to other sections incorrectly. Motion was brought to a vote and passed unanimously. Discussion of 9.20.2(A-I) ensued. Board clarified that only 10% of the 30% of the total floor area is allowed to be used for wholesale/retail sales. No more than 6 cars per hour are allowed. Mr. Fazzary was satisfied with interpretation.

No public comments.

6:49 pm Chairman Stacy Gray recused herself from the next agenda item. Colleen Chavchavadze moved to have David Hertel be Acting Chairman. Sue Olevnik seconded and the motion passed unanimously.

Setback Variance - Shoreline Home Development LLC (148 S Monroe)

Lori Bernagozzi, Darin Parsons and Ryan Suser, Attorney for Darin Parsons were all present on behalf of Shoreline Home Development LLC. Ms. Bernagozzi gave permission for Mr. Parsons and Mr. Suser to speak on her behalf.

Mr. Suser noted that the owners want to sell the property and have it currently under contract. Mr. Suser is looking for guidance. The owners believe that they could make any necessary modifications before the July 15, 2020 contract deadline. Mr. Suser thinks that any setback variances would not significantly impact the area, and the improvement made two structures, of which they do have a certificate of occupancy from the former Building Official. Dave Hertel noted the letter from current CEO Stocum outlining option. Colleen Chavchavadze voiced her concern that the secondary structure was for an accessory structure. Mr. Suser is trying to get a variance without doing significant demolition. Mr. Parsons indicated he has a permit that says the structure is an addition. Parking is still an issue. Discussion regarding options ensued. Attorney LaForte noted options were given to Ms. Bernagozzi by CEO Stocum. Colleen Chavchavadze reiterated that if it was brought back to an accessory structure, remove the deck, kitchen and bathrooms, then there is more leeway. Ms. Bernagozzi and Mr. Parsons felt those actions would remove too much of the building's value. The Board received a letter regarding the deck from the neighbors, voicing concerns of having it hover over their property and feeling like being watched like zoo animals. Dave Hertel noted there is a huge difference in perspective between Madison and Monroe streets. Discussion of removing half of the deck ensued. CEO Stocum noted there are no blueprints, this is not normal construction for a home, and the state said to get empirical data from an engineer regarding the foundation. At the last meeting, an accessory structure was not discussed as an alternative. Dave Hertel moved to allow Darrin Stocum, Bill LaForte, and the applicants to meet and come up with options for the Board to review two weeks from tonight on June 11, 2020 at 6:00pm. Roger Hugo seconded and the motion passed unanimously.

Dave Hertel moved to have Stacy Gray resume her Chairman duties. Colleen Chavchavadze seconded and the motion passed unanimously.

BOARD CONCERNS

Zoning Advisory Committee – Update

Stacy Gray reported there have been two meetings: the first was an introduction and the second talked about the proposals. The initial group was to have two members of the public, but one has moved out of town and the group is actively seeking another volunteer. Deputy Clerk Peterson is to advertise on the Village website and Facebook page. Chairman Gray is asking for ZBA member to come up with 10-20 items that need addressing in the code and give to her. The goal of the update is to make it easier not only for Code Enforcement, but for the residents to read and follow.

CEO Stocum reported that Rafael Specchio Jr. will be coming asking for clarification between the Use and Density tables in regards to a specific property.

Sue Olevnik moved to close the public hearing for the cottage industry. The public hearing for the setback variance request shall remain open. Colleen Chavchavadze seconded and the motion passed unanimously.

8:13 pm Public Hearing closed.

ADJOURNMENT

Colleen Chavchavadze moved to adjourn the meeting. Dave Hertel seconded and the motion passed unanimously.

8:14 pm Meeting adjourned.