

ZONING BOARD OF APPEALS MEETING
September 16, 2021
6:00 PM

The meeting was called to order by Chairperson Kathy Taylor at 6:00 PM. Roll call by Clerk, Cindy Schiminske, found the following Board Members present:

Kathy Taylor, Chairperson
Bob Faynor
Ernie Rivera
Craig Coleman
Donna Gilfus

John Yurco, Alternate

Also in attendance: Bill Gabak, Jr., Zoning Officer
Zoning Attorney Andy Leja
Mike & Shelley Sawran
Dan Anderson

Bob Faynor made a motion to approve the minutes of August 19, 2021, seconded by Ernie Rivera. Approved AYES 5-0.

The purpose of this meeting was to hear the following request:

Michael & Shelley Sawran have submitted an application for minor subdivision, lot line adjustment. Back on June 18, 2015, Mr. Sawran appeared before the ZBA for variances to construct a replacement building. Mr. Sawran was advised at that time to go to the Planning Board for subdivision approval prior to any work being started. That condition was to be met before any variances would go into effect. Presently, the building is under construction, the septic system has been installed across the road and the subdivision, which was to have taken place prior to any construction, was never completed.

Applicant has received approval from NYSDOT on the placement of the septic system pipe under the roadway and through their right of way and he has received approval from the Cayuga County Health Dept on the complete septic system.

Applicant stated that he did not realize they had to annex the land prior to construction. He stated that for the past two years, there was talk about the Town putting in municipal water and sewer. They decided to wait to annex the land to see if the water and sewer was going to go through. Applicant spoke with the Town Supervisor last spring and he indicated it wasn't going to happen. So, they pursued putting the septic in and then annexing the land.

Chairperson Taylor referenced a letter that was sent to applicant on June 25, 2015 that stated that the variances for his proposed dwelling were approved at that time with the following conditions which must be met before the variances would go in effect:

- The property to be used for the septic system will be added to the deed of the lakefront property.
- First usable floor to be at 719' due to being in floodplain (which has been certified by Manzari Surveying to be at 719.4' on 8/11/21);
- Septic system to be built according to Cayuga Co Health Dept standards (approved by Cayuga Co Health Dept on 8/16/21);
- Built to satisfy NYSDOT stipulations (by permit dated 5/19/21);
- Built in accordance with Army Corps of Engineers (applicant indicated he has followed guidelines).
- Also the foliage on the Bank remain undisturbed. Applicant stated that the original plan was to cut into the bank. They decided not to do that. But to get the trusses up, they had to cut some trees down. They have planted grass and plan to plant some trees there. Bill spoke to Ally Berry from Owasco Lake Watershed who visited the property and worked with applicant and his landscaper to stabilize the bank.

Chairperson Taylor asked applicant why there was a change in the survey map that was originally submitted with the application. Applicant explained that the Town wanted more land to make it closer to ½ acre. They own three properties, the house that they're building, the house they live in now and the house next door.

Zoning Officer Gabak explained that he discussed with the Zoning Attorney that instead of applicant trying to get a variance from the ZBA to have a noncompliant lot, it was decided to add an additional section of property which, with the lakefront property, gives them .565 of an acre, which is 24,000 sq ft which makes this now a compliant lot.

Attorney Leja stated that he spoke with Attorney Carbonaro and explained the need for a conforming lot, as the original plan had a piece on the west side of Route 38, which would be nonconforming, too small and not connected to anything. The plan was to increase the size of that westerly lot and add it to the lakefront lot to make a total of at least ½ acre. This would require the merging of a lot line adjustment that involves three different properties: lakefront property labeled F on the drawing; the triangle to the right which is labeled 1 which belongs to Shelley; and then the triangle on the left which belongs to Lee (Shelley). The applicants would need to get a new subdivision map that captures all of the properties in their entirety.

Attorney Leja stated that it would take them a bit of time to put that together. In the meantime, there is currently a stop work order in place barring any further work on the lakefront property. Attorney Leja advised the Board that they are in a position where they can look at the sketch plan and give conceptual approval to that proposal. They would then require the applicant to come back with a complete subdivision map. Also, once there is final

subdivision approval, the Board can affix conditions to that approval, such as following through with Bank stabilization, etc.

Bob Faynor made a motion for the conceptual approval, seconded by Ernie Rivera, with the understanding that at the October 21st meeting, all the proper maps and paperwork must be brought to them for final approval. All in favor 5-0. If they don't have everything, there will be another stop work order issued. The applicant will have to submit a revised application for subdivision, as the current one is not correct.

Zoning Officer Gabak lifted the stop work order effective on this date with the contingency that if all the conditions are not met by the next meeting, the stop work order will go back into effect.

Attorney Leja questioned applicant about the lakefront property as they were going to go into the bank but they changed that. Did that require some type of modification of their approved plan? Applicant stated no because they made it smaller. There was a 16' by 16' jog going into the bank. The cost of going into the Bank was so high, they decided to do a freestanding building and not go into the bank. There was a permit issued in 2016 and then another one in 2018 because they changed it.

Attorney Leja stated that by looking at the survey, which shows the proposed dwelling on the lakefront, it appears to be 10' away from the highway boundary. Applicant stated that they are far away from the highway boundary. Attorney Leja then informed him that the map needs to be updated to show where that dwelling is actually located and the correct dwelling that is being constructed.

There being no further business, Bob Faynor made a motion to adjourn the meeting, seconded by Ernie Rivera. Time was 6:24 PM.

Respectfully submitted,

Cindy Schiminske
Clerk, Zoning Board of Appeals