

VILLAGE OF WATKINS GLEN
ZONING BOARD OF APPEALS
MINUTES
March 28, 2012

A meeting of the Watkins Glen Zoning Board of Appeals took place on Wednesday, March 28, 2012, at the Municipal Building Board Room. Present were members: Mark Stephany, Walter Hollien, Roger Hugo and Kathy Fragola (via Skype). Member David Wyre was absent. Also present were Code Enforcement Officer Gordon Wright, Recording Secretary Naomi Kingsley, Applicants Greg Coon, Marsha McElligott and Bruce Nelson.

Chairperson Stephany called the meeting to order at 6:05 pm and led the assembled in the Pledge of Allegiance.

Roger Hugo made a motion to accept the October 3, 2011 meeting minutes. Kathy Fragola seconded, all were in favor, motion carried.

Application 12-01 – Use Variance - Gregory A. Coon – 202 Lakeview Ave.

An application for a Use Variance seeking relief of Article 4 Use Districts; Section 4.13 Use Regulation Table, Subsection: Use Residential; Paragraph: R-1 Multi-unit Dwelling.

The applicant is requesting to return the property to a 3 unit property as previously used. Mr. Coon explained that when his parents purchased the home in the 60's it was a 3 family dwelling with the primary residence on the first floor and two apartments on the second floor. Over the years the family stopped renting out the apartment and used them for family members. There are two entrances to the property and ample parking. Mark asked if the property was classified as pre-existing, non-conforming at the county tax office. Gordon stated that the tax office doesn't follow zoning. The Village Zoning law came about in the '60's and there was a major modification 6-7 years ago. Mark asked if the financial items addressed in the application included a mortgage. Greg responded that it did not. The property is an estate and Marsha and Greg are the executors. Kathy asked for clarification, was Greg looking to make it a two or three family residence. Greg stated he wanted to return it to a 3 family dwelling. The purchase price figure used was the estate appraisal.

Vote for item 1 – Hugo – yes, Hollien – yes, Stephany – yes, Fragola – yes.

Vote for item 2 – Hugo – yes, Hollien – yes, Stephany – yes, Fragola – yes.

Vote for item 3 – Hugo – yes, Hollien – yes, Stephany – yes, Fragola – yes.

Mark Stephany stated that this may be one instance where the hardship was not self-created since the property was inherited. Kathy stated that maybe the zoning map needs to be looked at and another district, such as historical, needs to be created. Mark responded that there are only about 6 out of 30 residents that fall under this situation and that if the area were rezoned, someone might try to make apartments out of a much smaller home, although they would still have to meet zoning requirements.

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Vote for item 4 – Hugo – yes, Hollien – yes, Stephany – yes, Fragola – yes.

Walter mad a motion to accept the application for approval. Roger seconded the motion. All were in favor, motion carried unanimously.

Kathy asked about parking, the zoning law requires a certain number of parking spaces based on the number of bedrooms. Gordon stated that there is more than enough space and the property does have two curb cuts. Mark stated that the condition will be made that all parking is to be off street. The property is also well landscaped so that should not be an issue.

Application – 12-02 - Interpretation - Bruce Nelson, Water Works Center, LLC

An application for General interpretation regarding the establishment of the separate subdivision lots for Village use.

Gordon explained that he is responsible for Mr. Nelsons being here. He presented an illustration of the proposed project which is developing the water/light plant and would include subdividing the current structure. Mr. Nelson explained that there would actually be two subdivisions, one on the north end which would house the villages' pumps and one on the south to allow access to the bridge. Gordon stated that there in nothing in the law that says it can't be done. Mark stated that it is the absence of specific language that is limiting on the Zoning officer and the board. Mr. Nelson stated that there is no other way to do this project without having the village spend a lot of money. Mark asked if this is anything precedent setting for commercial property? Gordon stated he did not know. Someone could come forward to split a commercial property to make condominiums. This subject was not left out deliberately; it just never came up before. The village still owns the property and would actually be doing the subdividing, but any interested party can apply for zoning variance. Mr. Nelson stated that this is just step 1 in a lot of steps.

Mark Stephany made the motion to support the position of the Zoning Officer stating that the absence of language does not preclude him from allowing subdivision. Roger Hugo seconded the motion. Mark stated that it would allow for someone to come to Gordon and ask for subdivision, but it would still have to meet zoning law requirements, which is being done now. This is how condo's are done. A roll call vote was taken as follows: Hugo – aye, Hollien – aye, Stephany – aye and Fragola – aye. Motion carried.

There being no further business Mark Stephany made a motion to adjourn. Kathy Fragola seconded the motion. All were in favor. The meeting was adjourned at 7:00 pm.

Respectfully submitted,
Naomi C. Kingsley
Recording Secretary