

Meeting called to order: 7:05 PM.

Present: Chairman John Young, Members Peter McClelland, Anita Watkins, and Kirk Sigel.
Alternates: Mark Eisner, Alison Shull. Code Enforcement Officer: Brent Cross,

Others: Attorney Kristin Gutenberger, Mindy Mindlin, Leonard Loria, Rosemary Loria, VCH
Trustee Bea Szekely, VCH Clerk M. Mills

Member Kirk Sigel was present but abstained from participating in the meeting as he is the petitioner.

K. Gutenberger updated the board regarding sheds. The Board of Trustees set a public hearing for sheds during the February 14th meeting. The Zoning Board has a copy of Proposed Local Law B. Specifically legalizes any portable shed. It does not grandfather anything in, but legalizes as long as it meets portable shed guidelines.

P. McClelland- If it gets passed, what does it do to what we do here?

B. Cross- The structure at 906 is a portable shed. The challenge is whether it should be in the set back.

K. Sigel- It is a building. It should be subjected to all the regulations as a building, not as a shed.

J. Young- Asking for a real clear direction to go in to render a decision.

B. Cross- Has used best ability to interpret what is currently in place.

Discussion: Small portable sheds are not regulated, but applicant wants this property to have a description of a building. There is a building code definition. Storage structure less than 144 feet is not regulated. (Portable)- If it is considered to be a building- it must have a foundation built to resist frost. If someone took a small storage structure even if met 144' rule, but put on a foundation would then be a "building."

Question raised: what is a structure? Man made phys improvement. Buildings are structures, but structures do not have to be buildings. City of Ithaca regulates sheds completely. Town of Ithaca, Town of Lansing, and Village of Lansing have rules and regulations. Village of Dryden is silent on topic, but uses similar.

K. Gutenberger- You are limited to currently what is written in Village law.

M. Eisner- Every appeal deals with an interpretation of what the Zoning Code Officer discussed with the resident - everything brought before us is by its nature inconsistent with the zoning law.

A. Shull- Inquired as to exactly which way the new Proposed Local Law B comes into play.

M. Eisner- agrees with K. Sigel that a shed is a building especially if it has a foundation.

L. Loria- Lives next door to that storage building and/or structure which is 12 ½ feet, with a 3 foot overhang. It is a structure and a building on a concrete slab. The floor is poured concrete with wooden floor on top of that.

P. McClelland- Criteria is right in this case, we didn't think it is portable.

B. Cross- The appellant's appeal is not specific to this property, but specifically wants the ZBA to say all sheds are buildings.

K. Sigel- Seeking an interpretation of what is the current zoning law

Discussion- Any building 6x6 needs to have a permit. Will a 5 x 5 will need to have a zoning permit? Will everyone in future who buys a 5 x 5 shed from Lowe's be in violation? Is a shed a building based on how the current law is written?

Motion: M. Eisner

Second: A. Watkins

This board finds that sheds such as the shed at 906 Triphammer Road are subject to compliance with zoning regulations and are considered a building for the purposes of the Zoning Ordinance and are therefore subject to, among other provisions, Section 5 (Height of Buildings), Section 6 (Yard Requirements), Section 7 (Building Coverage), and Section 20 (Zoning Permits) of the Zoning Ordinance.

Discussion : We are only interpreting what already exists, if current law falls short of clarity it is in hands of Board of Trustees to determine new law. We are looking at this as the legislators would have looked at it. Was this based on a variance request procedure and why?

Question from the floor: Will there be a notice given to all Village residents- now all sheds will become part of the footprint?

B. Cross - As a zoning officer he finds no guidance on the subject.

P. McClelland- Yes

A. Watkins- Yes

A. Shull- Yes

M. Eisner- Yes

J. Young- Yes

All approve – motion carried
Meeting adjourned at 8:32 pm.

