

Town of SF files notice of claim and petition against zoning board

By DAVID L. SHAW dshaw@fltimes.com | Posted: Friday, December 21, 2012 10:12 am

SENECA FALLS — Attorney Steven Getman has served an order to show cause on the town Zoning Board of Appeals.

The Town Board objects to the ZBA's decision to grant a use variance to the owner of the Arcade Building at 81-83 Fall St. that would allow the building to be converted to as many as eight apartments on its three levels, along with commercial uses in the street-level offices.

Getman, who is representing the Town Board in the matter, served ZBA chairman Frank Sinicropi, building owner Jack Pross and potential buyer-developer Basil Vlahos with the paperwork Dec. 14. Signed by a Monroe County State Supreme Court Judge, it is answerable Jan. 25 in Supreme Court for Seneca County.

Getman said the petition seeks to void the ZBA decision granting the use variance because:

- The ZBA did not have a completed application before it when it made the decision.
- The ZBA failed to require the applicant to show the hardship required for a variance according to state law.
- The downtown is a commercial district, not a residential district, and the proposed apartment project would alter the character of the area.
- The State Environmental Quality Review Act process was not complied with.
- The variance was granted subject to inadequate conditions.
- The decision was contrary to the decision of the Planning Board, which recommended the variance be denied.

Getman said an order to show cause is the only way for a Town Board to review and overturn a ZBA decision.

Meanwhile, the Planning Board, ZBA and the Arcade Building's current and potential owners met Wednesday night in an attempt to reach an agreement and stave off litigation. Town Code Enforcement Officer Steven Turkett said Vlahos submitted three new plans addressing town concerns about the project, but no agreement was reached.

The ZBA has hired attorney Brody Smith of the Bond, Schoeneck & King law firm to defend its position in court.