

TSF 06-4-33  
HPC Appeal to ZBA  
George Crary Jr.  
Town of Seneca Falls

TO: Seneca County Planning Board  
FROM: Seneca Co. Dept. of Planning & Community Development  
DATE: April 11, 2022

This request for an appeal to the Zoning Board of Appeals from the Heritage Preservation Commission is located in the Town of Seneca Falls and requires review under Section 239 of the General Municipal Law because it is within 500 feet of State Route 5.

**GENERAL INFORMATION**

**APPLICANT:** George Crary Jr.  
914 Main Street  
Unit 1113  
Houston, TX 77002

**STATUS OF APPLICANT:** Owner

**REQUESTED ACTION:** Appeal to ZBA from HPC

**LOCATION:** 126 State Street  
Seneca Falls

**SIZE:** 0.26 acres

**SURROUNDING LAND USE:**  
North: Residential  
South: Residential  
East: Residential  
West: Residential

**PUBLIC UTILITIES & SERVICES:**  
Water & Sewer: Public  
School District: Seneca Falls CSD  
Fire Department: Seneca Falls

**SEQR:** Short EAF

## ANALYSIS

This proposed project at 126 State Street for an addition came before the County Planning Board in February as a site plan review. At that time, the recommendation was for approval conditional upon the ZBA granting a variance for total lot coverage as well as conditional upon the Historic Preservation Committee (HPC) granting a certificate of appropriateness.

In the time since, the HPC voted to deny the certificate of appropriateness at the February 22<sup>nd</sup> meeting of that board. Without the Certificate of Appropriateness, you cannot receive a zoning permit within the historic district in the Town of Seneca Falls.

The applicant appealed this denial. Within the Seneca Falls Town Code, the mechanism for appealing a decision from the HPC is through the Zoning Board of Appeals. In the opinion of the NYS Department of State, when a decision from the HPC is appealed to the ZBA, it requires County Planning Board Review.

The HPC was concerned with various aspects of the site plan including the demolition of the garage which potentially dates from the period of significance within the historic district. The demolition permit was denied by the board. Meeting minutes from the February 22<sup>nd</sup> meeting indicate that the board did not believe there to be an economic hardship associated with this property rising to the level of requiring a demolition.

Furthermore, those meeting minutes refer to issues including the "offset of the addition and landscaping" as areas needed to be addressed. The minutes also note that the board suggested the applicants provide alternate designs of the addition to resemble the period in which the home was constructed. The applicants in their letter requested the appeal summed up these issues as mass, size, and scale concerns.

The applicants in their letter requesting the appeal cited that the decision based on "mass, size, and scale" by the Commission does not correlate with the definition of appropriateness in the Town Code:

*"Seneca Falls Heritage Preservation Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, material and color of the exterior feature involved and the relationship thereof to the exterior features involved and the relationship thereof to the exterior features of other properties in the immediate neighborhood. In denying or modifying a certificate of appropriateness, the Commission shall state the reasons for such denial or modification."*

The underlined portions of the code above, in the opinion of Planning and Community Development Staff, generally translate to mean mass, size, and scale.

The original recommendation from the County Planning Board was approval upon the granting of a certificate of appropriateness. That has since been denied. The staff recommendation for this appeal to the ZBA is for denial.

In the initial review of the site plan undertaken by the County Planning Board in February, there were discussions of architectural style, general design, and arrangement at that time including lot coverage, the viability of demolishing the garage, and the addition in context to the other properties in the district and neighborhood. The "offset of the addition" comment is believed to be in reference to proposed additions being staggered like steps from the original house moving outward towards the south. From the front elevation as shown, it would appear that the house would have three gables visible from the street and not in line with one another. There are homes in the area that have had additions to the original square of the house at some point within the past 150 years. These additions are generally not taller than the original square of the house and reduce in size the further they extend behind the original home. In architectural terms, sometimes this is referred to as subordinate scale or telescoping.

Below are examples of additions in the immediate neighborhood of 126 State Street within the Historic District. Not all of these additions are text book examples of telescoping or subordinate scale additions but they do provide a feel for the existing conditions within the historic district:



Example 1: Notice the telescoping additions extending to the rear of the property. Additions were likely added sometime in the 20<sup>th</sup> century. Note the concrete block chimney and steel windows.



Example 2: The rear portion of this home is subordinate to the front. It is difficult to estimate the age of the rear portion of this house due to the presence of asphalt or asbestos siding which was likely added in the mid-20<sup>th</sup> century.



Example 3: This home has a rear addition that was likely added later. Notice that the addition is subordinate to the original house meaning that the general massing, placement, and scale of the addition is smaller to the primary mass of the home.



Example 4: This home has some similar characteristics to 126 State Street. The additions or rear portions of the home were constructed to be subordinate as well. Notice the final addition is shed style with the roof sloping towards the rear of property.



Example 5: This addition as built is the most similar to the proposal under review. Notice the gable normally in the subordinate position is taller than the primary. This addition also maintains the same massing as the primary portion of the home by not scaling the addition to be skinnier than the original home. These two things together suggest that the design of the addition was not intentionally subordinate or telescoping as most historical architectural guides suggest.



Example 6: The immediate neighbor to the south of 126 Fall Street. This home is one of the only homes in the neighborhood with any major addition to either side. It appears that an addition with a chimney was added to the south side of the house at some point in the 20<sup>th</sup> century. This addition is one level and its roof ridge is generally in line with the first level of the home keeping within the scale of the original design. The second addition to the north of two garage bays is not to scale and extends more than half the height of the side wall. These bays were probably added in the 1980s and would not be contributing to the historic district.



Example 7: 126 State Street itself. Notice there is an addition or potentially an original portion of the house in the rear that is already subordinate in scale to the overall massing of the home. This motif could be extended further into the lot similar to nearby homes also in the historic district. The garage and lot coverage percentage would need to be considered as well.

### **RECOMMENDATION**

The Seneca County Department of Planning & Community Development advises the Seneca County Planning Board to recommend that the request of George Crary for an appeal to the ZBA from the HPC be denied.

### **DOCUMENTS AVAILABLE**

Letter Requesting Appeal from Lakeside Engineering  
Decision of Denial for a Certificate of Appropriateness  
Available from Previous GML Referral:  
GML 239 Referral Form  
Site Plan Application Form  
Short EAF  
Crary Kitchen and Garage Additions Engineered Drawings

**WHEREAS**, the request of the George Crary Jr. for a review of an appeal to the Zoning Board of Appeals originating from the Historic Preservation Commission was forwarded for review under Section 239 of the General Municipal Law because it is within 500 feet of State Route 5 as well as being an action similar to a variance, and

**WHEREAS**, the Seneca County Department of Planning and Community Development did review said request and prepared a report dated April 11, 2022, and

**WHEREAS**, the Seneca County Planning Board did meet on April 14, 2022, to consider this request, the report of the Seneca County Department of Planning and Community Development, and other pertinent information, be it therefore

**RESOLVED**, that the Seneca County Planning Board recommends that this request be denied, and be it

**FURTHER RESOLVED**, that the Seneca County Department of Planning and Community Development be directed to forward word of this action to the Town of Seneca Falls.

Motion \_\_\_\_\_

Second \_\_\_\_\_

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Abstain \_\_\_\_\_

\_\_\_\_\_  
Amanda Forney, Secretary