

Minutes  
For the  
Village of Cayuga Heights  
Zoning Board of Appeals Public Hearing and Meeting  
Held on July 2, 2007

Board Present: Robin Cisne, Robert Powers, Kenneth Robinson, and Peter McClelland  
Zoning Officer: Brent Cross  
Zoning Board Secretary: Mary Jane Neff

Guest: Chris & Victoria Anagnost, Jim Giordano and Louise Abbott

Due notice required by law for the variance application was noted as in the file, being an area variance sought from section 9, Fences and Walls of the Village Zoning Ordinance.

ZBA Chairperson Cisne opened the public hearing at 7:02PM

Chairperson Cisne explained the meeting's process. First the Board will hear comments from the petitioner and from the guests. The public hearing will then be closed. The ZBA Board will convene and discuss the proposed variance request and she requested that the public not comment during the board's discussion. She further stated that the Board may or may not make a decision on this request this evening. She stated that the Board has 60 days from this evening in which to obtain additional information, if needed, and to make a decision.

Mr. Cross commented on his report that the Board and neighbors of the property at 1109 Triphammer Road received prior to this meeting. He commented that this property was somewhat unique because it is adjacent to the commercial zone and that commercial property owners are now required to provide a buffer or screen when it neighbors a residential district.

Chairperson Cisne requested the applicant to comment on his the request.

James Giordano presented copies of pictures that showed his back and front yards. He then explained that they enjoy their back deck personally and enjoy entertaining on their back deck. However, the adjacent commercial properties on the east, State Farm Insurance, and south, Olver Insurance, Word Pro, Doctor's Office, have blacktop drive and parking areas with no buffer between them and his property. Frequently in the evenings and on weekends there are cars parked in those areas with people coming and leaving the commercial offices. The 6-foot that he is proposing is a privacy fence that would provide privacy from the adjoining commercial properties; that keeping it that height all the way around his back yard would look very nice. He also commented that to meet the 15-foot set back requirement would render the area between the fence and the back lot line as unusable and would extremely limit the usable area.

The Board reviewed the pictures that Mr. Giordano had prepared for them. Chairperson Cisne stated the Board does not favor a box community, but understand that this is a unique request due to being adjacent to the commercial zone. She asked if he would consider a 4-foot fence on both sides and bring the rear 6-foot fence in the 15 feet to meet the zoning requirements.

Mr. Giordano stated that to meet the 15-foot set back requirement would render the area between the fence and the back lot line as unusable and would extremely limit the usable area around his deck. A 4-foot fence would not screen his back yard from the activities at the adjacent commercial offices.

There being no other comments Chairperson Cisne closed the public hearing at 7:40 PM.

The ZBA Board meeting was called to order at 7:40 PM by Chairperson Cisne.

Chairperson Cisne stated that it was a unique property because of its location next to the commercial zone. At this time she would consider granting the variance. Member Robinson stated that he favored a 6-foot fence on the property lines that are adjacent to the commercial area and a 4-foot fence on the property lines adjacent to the residential area. Member Powers stated that he favored strictly enforcing the Village's fence ordinance. Member McClelland stated that he agreed with Robinson's comments.

On a motion by Robinson, seconded by McClelland the following was passed with 5 ayes.

**RESOLVED**, that a variance for a 6-foot fence on the property lines on the east side and the south side is hereby granted, and

**BE IT FURTHER RESOLVED**, that a variance for a 6-foot fence on the north and west side property line is hereby denied.

On a motion duly made and seconded this meeting was adjourned at 8:15 PM.

Respectfully submitted,

Mary Jane Neff, Secretary