

Minutes
For the
Village of Cayuga Heights
Zoning Board of Appeals Public Hearing and Meeting
Held on November 5, 2007

Board Present: Robin Cisne, Robert Powers, and Peter McClelland; Alternate, Sally Grubbs

Zoning Officer: Brent Cross

Zoning Board Secretary: Mary Jane Neff

Guest: Diane Campbell, William Liguori, Julie Durringer, Linda & Ronald Bors, Sarah Hatcher, Rob Strawderman, Dorothy Shaffer, Stephen Tien, Chris Anagnost, Gary & Heidi Brown, David Donner

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

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 the requests presented 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.

Due notice required by law for the variance application was noted as in the file and being an area variance sought from section 17. Signs, of the Village Zoning Ordinance. The first public hearing was opened at 7:15 PM

Chairperson Cisne requested the applicant(s) to present their backup for the requested variance.

Julie Durringer of Cayuga Landscape presented the proposed drawing of a 24 square-foot sign for the entrance to the Village Green complex at 840 Hanshaw Road. She explained that there will be a business sign on the building with a directory of the business as well as the business sign at their entrance. The existing 26 square-foot sign will be removed. The new sign will be lighted.

Residents present expressed concern that if one larger sign is allowed in the commercial district that others will follow and want larger signs. Chairperson Cisne stated that variances are granted and denied on a case by case basis and that no precedents are set with their decisions. Chairperson read a letter, of support of the larger than allowed sign, from Mr. Olver of Olver & Associates. Board member expressed concern with the lighting and being a possible problem at the intersection. The Board members liked the sign design, but would like it to be shrunk down to meet the 18 square-foot requirement.

The public portion of the first hearing was closed at 7:30 P.M.

The Board discussed the presentation and objections to the first variance request.

On a motion by Cisne, seconded by McClelland the following resolution was passed: Vote: All ayes

WHEREAS, that although the proposed sign is an improvement over the existing sign it is hereby

RESOLVED, that the variance request for a 24 square-foot sign at 840 Hanshaw Road is hereby denied.

Due notice required by law for the variance application was noted as in the file and being an area variance sought from section 6.Yard Requirements, of the Village Zoning Ordinance. The second public hearing was opened at 7:40 PM

Chairperson Cisne requested the applicant to present the variance request for a 6 feet fence that is closer than 15 feet from the property line.

Mr. Strawderman presented a slide show of his rear yard to the Board which showed, that except for a small section of his back yard, it is surrounded by trees. The proposed fence would replace an existing fence that needs to be replaced. The proposed fence would not interfere with the neighbors' view.

There being no public comments on this request the public hearing was closed at 8:04 PM.

The Board discussed and reviewed the information presented. Although the Board does not favor "boxing" in residents' yards, this request appears to not have an adverse effect on the neighborhood.

On a motion by Grubb, seconded by McClelland the following was passed: vote 3 ayes, 1 opposed.

WHEREAS, the Board's decision does not set a precedent, it is hereby

RESOLVED, that a variance is hereby granted to construct a 6 foot fence closer than the allowed 15 feet to the side yard line at 19 Spruce Lane, tax parcel # 5-1-1.210.

Next the Board discussed the tabled request of Gary & Heidi Brown for a fence that was constructed and exceeded the 4 foot allowance by 6" based on the Zoning Officer's measurements. Chairperson Cisne asked the applicants if they had any additional information to present on the request. They did not have anything to add.

Chairperson Cisne asked the Board if they had visited the property and looked at the fence and if they were ready to make a decision.

On a motion by Cisne, seconded by Powers the following was passed: Vote 3 ayes, 1 abstention.

WHEREAS, the fact that the fence had been constructed without a permit and thought to meet Village requirement was not considered by the Board, it is hereby **RESOLVED**, that a variance be granted for the 4-foot 6-inch fence at 520 Wyckoff Road, tax parcel #15-4-8.

On a motion duly made and seconded this meeting was adjourned at 8:30 PM.

Respectfully submitted,

Mary Jane Neff, Secretary