

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

Board Present: Robin Cisne, Ken Robinson, Sarah How, Robert Powers, and Peter McClelland; Alternate, Sally Grubbs

Zoning Officer: Brent Cross

Zoning Board Secretary: Mary Jane Neff

Guest: Daniel Hirtler, Karen Chimento, Valerie Caward, Cruce Caward, Pam Crosby, Steve Hamilton, Andrea Wetherbee, Wynthrop Wetherbee, Chris Anagnost, Dooley Kiefer, Kristin Lewis, Mildred Drosdoff, Carol Scheele, Craig Carvin, Danilee Poppensick, Greg Garran, Susan Quirk, Ellen Hartman, Michael Kazarinoff and Patricia Sipple

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.

ZBA Chairperson Cisne opened the public hearing at 7:05 PM

Mr. Bruce Caward of 115 Northway explained that he would like to put a 6' fence three feet from his rear property line. The 6-foot portion of the fence would be the length of his patio and then taper down to a 3' fence across the entire rear property line. The neighboring property owner at the rear of his property is in the process of constructing a duplex. The driveway for the duplex is toward his property. Due to the slope of his rear yard he could build a retaining wall or fill in his back yard and then construct a 3ft. fence or not change the grade level of his back yard and construct a 6 foot fence for the approximate length of his house. He also stated that he had tried to grow shrubs and trees, but has not been successful due to the soil.

This public hearing was closed at 7:30 PM.

The ZBA members discussed the 5 criteria for granting or denying an area variance and reviewed the plans submitted by Mr. Caward.

On a motion by S. Grubb, seconded by B. Powers and with the following vote: 4 ayes and 1 nay the following resolution was passed:

Noted that Sarah How had arrived late and did not hear the presentation regarding this request and abstained from voting. The alternate, Sally Grubb, voted on this variance request.

RESOLVED, that a area variance is hereby granted to the property at 115 Northway for a 6-foot fence with a three foot setback for the length of the house as the house currently exists and that the fence be constructed on the current grade level of the property.

The second public hearing was opened at 7:35 PM.

Dan Hilter, architect, for Steve Gordon, property owner, of 110 Overlook Road presented plans for a new garage that would be located less than 25 feet from the front property line as required by Section 6. Yard requirements of the Village Zoning Ordinances. Mr. Hilter explained that the property was too steep for the construction of a garage that would meet the 25 foot setback. The old garage that that is too close to the road to safely back out into the street will be torn down. The new one will be further from the road than the one that is being removed.

The second public hearing was closed at 7:55 PM

The ZBA members reviewed the plans presented and considered the recommended criteria for granting an area variance. The alternate member of the Board did not vote on this request.

On a motion by R. Cisne, seconded by P. McClelland the following resolution was passed with an all aye vote:

RESOLVED, that an area variance is hereby granted for the property located at 110 Overlook Road for the construction of a garage that is less than the required 25 feet from the front property.

The third public hearing was opened at 8:07 PM

Zipora Greenwald of 113 Randolph Road presented her plan to use a portion of her home for group exercise classes which is not permitted by Village Zoning Ordinance Section 2. Residence District. The classes would be limited to no more than 6 people at one time; could be day or evening depending on the demand and except for the parking of 3-4 vehicles in a portion of their current driveway, there would be no external change to the property.

Many of the residents of the Randolph Road and Warwick Place expressed opposition to a commercial use of a property located in a residential district. Reasons were as follows: safety of the children that use the streets to interact with each other, streets not wide enough to accommodate safe on street parting, presence of strangers in the area, and safety of the adults who walk the streets for exercise.

The public hearing was closed at 8:45 PM

Brent Cross explained that this request was for a use variance which required the Board to review the SEQR prior to granting or denying a use variance. With the assistance of Brent Cross the Board completed the "Short Environmental Assessment Form." The Board found that there is likely to be an adverse environmental impact on this project because of the increase in traffic, safety of pedestrian travel because that area does not have sidewalks and that it could change the characteristics of the residential neighbor. Due to these findings a use variance can not be granted.

On a motion by Cisne, seconded by Powers the following was passed:

RESOLVED, that the Chairperson, Robin Cisne, is hereby authorized to sign the completed "Short Environmental Assessment Form."

Brent Cross requested the Chairperson to write a letter mitigating the Board's findings that the proposed action WILL NOT result in any significant adverse environmental impacts. The letter will be filed with the completed SEQR form.

On a motion by B. Powers, seconded by S. How the following was passed with a 4 ayes and 1 abstention (confliction of interest)

RESOLVED, that the application for a use variance at 113 Randolph Road is hereby denied because the applicant failed to demonstrate all of the requirements which must be meant for the granting of a use variance.

This meeting was duly adjourned at 9:40 PM

Respectfully submitted,

Mary Jane Neff, ZBA Secretary