

Minutes
For the
Village of Cayuga Heights
Zoning Board of Appeals Public Hearing and Meeting
Held on May 4, 2009

Meeting was called to order at 7:06 PM

Present: Chairman John Young; Members Peter McClelland, Bob Powers, and Alternate Member Alison Smith

Absent: Member Sarah How, Fred Cowett and Alternate Member Sally Grubb

Code Enforcement Officer: Brent Cross,

Others: Mary Jane Neff, Secretary

Guest: Rose Catalano, representing Chemung Canal Bank, Leslie Danks Burke, applicant of 109 Oak Hill Road, Curt and Ann Ashman

Chairman Young opened the meeting and explained the procedures to the applicants and guests as follows: The public hearing is open and the applicant presents the justification for requesting a variance. Board and guests may ask questions of the applicant. The public hearing is closed and the Board will discuss the request and ask the applicant additional questions, if deemed necessary. A decision may be rendered at that time; however, the board can request additional information from the applicant or the code officer and adjourn the meeting up to 62 days before making a decision.

Rose Catalano presented the request for additional signage at Chemung Canal Bank. The first part of the request was to increase the square footage of the current sign for 8" high letters to 12" high letters. The second part of the request was to duplicate the sign with 12" letters on the Pleasant Grove Road side of the bank. She explained that the bank officials would like larger letters to make the bank more visible to people driving by and that many customers had commented that there was no signage on the Pleasant Grove Road side of the bank which had made it difficult for them to find the bank.

Code Officer Cross explained that the Village regulations allows up to 18 sq. ft. per business in a parcel owned, managed, controlled by the same person, firm or corporation when more than two business exist on the parcel. The application had been denied because the square footage being requested was either 24 square feet or 52 square feet depending on the size of the letters on the sign.

Chairman Young read a letter from Neil Olver who was not opposed to Chemung Canal's request for additional signage. The letter was accepted in to records.

Mr. Ashman stated that he favored the ordinance as it is currently written and enforced. He could understand the request for a second sign on the Pleasant Grove Road side, but did not favor an increase in the height of the signs. He and his wife walk and drive thought this area daily and they have no problem seeing the current sign on the Corners Community side. He also commented that he thought the current sign was tastefully done and that the new bank building and current sign was an asset to the parcel.

The public hearing was closed at 7:30 PM.
The ZBA meeting was opened at 7:30 PM.

The Board reviewed the five factors that are recommended by the State.

1. Does this request create an undesirable change in the character of the neighborhood or detriment to its nearby properties?

The consensus of the Board was that by granting this request it would not create an undesirable change nor is a detriment to its nearby properties; especially since it is located in a commercial district and is surrounded by commercial properties.

2. Can the applicant achieve its benefit by another method other than by the granting of a variance?

The consensus of the Board was the existing sign was less the Village code allows and was visible from the Corners Community side. However there is no other method to achieve the applicants other than by granting a variance.

3. Is the application of the variance request substantial?

The consensus of the Board was that the increase from 18 square feet to 52 square feet was a substantial. The Board agreed that the increase from 18 square feet to 24 square feet was as substantial.

4. Does this request have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

The consensus of the Board was that the request for an additional 6 square feet of signage would not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. They did comment that an additional 34 square feet of signage would have an impact on the physical condition of the neighborhood

5. Was the difficulty of the request self created?

The consensus of the Board was that most variance requests are self created. This one is especially self-created because the building was newly constructed and at the time of construction the developers and owners were made aware of the Village's sign ordinance.

On a motion by McClelland, seconded by Smith and will all members present voting aye the following was passed:

RESOLVED, that a variance is hereby granted to Chemung Canal Bank doing business in the Corner's Community parcel for an increase in signage to a total of 24 square feet with the condition that the additional square footage be used for the signage on the Pleasant Grove Road side of the bank, and

BE IT FURTHER RESOLVED, that this Board determined this action to be a Type II SEQRA action and does not have a significant adverse impact on the environment.

The second public hearing was called to order at 7:45 PM

Code Officer apologized to the applicant and the board members that the published legal ad had the wrong address and that although the Board could listen to the applicant this evening, a new public hearing would need to be scheduled and correctly published in the legal ads incase there were some confusion to the neighbors. Code Office Cross recommended that the Board listen to the applicants request and then adjourned the public hearing until the next meeting that will need to be set. The consensus of the Board was to continue with the applicants presentation and to set a special meeting to allow neighbors to speak on the correct address if they so desired to.

Leslie Danks Burke stated that she and her family were doing some major renovations to the interior of their home and that they wished to reconstruct the front stoop to make it safer and to put a roof over it. Because the contractor needs to demolish the current structure, which was grandfathered in, the code officer had denied their permit to do so. The old structure had a 22 foot front yard set back and the new ordinances require a 25 foot front yard set back. Basically, except for putting the roof over the front stoop, there is no change in the front stoop.

On a motion by Powers, seconded by McClelland the following was unanimously passed

RESOLVE, that this public hearing is hereby adjourned at 8:03 PM, and will be reopened within the required 62 days.

The meeting was opened at 8:03 PM

The board reviewed the five factors for granting or denying an area variance.

1. Does this request create an undesirable change in the character of the neighborhood or detriment to its nearby properties?

The consensus of the Board members was that it did not create an undesirable change in the character of the neighborhood or a detriment to it nearby properties.

2. Can the applicant achieve its benefit by another method other than by the granting of a variance?

The consensus of the Board members was that the only other alternative would be to shrink the stoop size 3 feet which would not be ascetically pleasing to the applicants or the design of the house.

3. Is the application of the variance request substantial?

The consensus of the Board was that the request was not substantial.

4. Does this request have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

The consensus of the Board was that the request would not have an adverse effect or impact on the physical or environmental conditions of the neighborhood, because the foot print of the front stoop would not change, only a roof was being added and the existing stoop would be rebuilt to make it strong enough to hold the roof.

5. Was the difficulty self-created by the applicant?

The consensus of the Board was that the difficulty was self-created because the applicant wanted a roof over the front stoop.

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

RESOLVED, that the next public hearing on this request is hereby scheduled for May 18, 2009 at 5:00 PM at the Village Hall, 836 Hanshaw Rd., and

BE IT FURTHER RESOLVED, that this Board will make a final determination at conclusion of the May 18' 2009 meeting, and

IT IS ALSO RESEOVED, that this request was determined to be a Type II SEQRA action.

There being no other business to be brought before the Zoning Board of Appeals this meeting was adjourned at 8:13 PM.

Respectfully submitted,

Mary Jane Neff