

Minutes
For the
Village of Cayuga Heights
Zoning Board of Appeals Public Hearing and Meeting
Held on June 1, 2009

Meeting was called to order at 7:06 PM

Present: Chairman John Young; Members Peter McClelland, Bob Powers, Sarah How, and Fred Cowett

Absent: Alternate Members Alison Smith and Sally Grubb

Code Enforcement Officer: Brent Cross,

Others: Kristin Guttenberg, Attorney; Mary Jane Neff, Secretary

Guest: Chandra & Satya Mohanty, Mary Sivois, Dennis Miller, John and Judy Hopcroft, Anita Watkins

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 or the board can request additional information from the applicant or the code officer and continue the meeting up to 62 days before making a decision.

Code Officer Cross explained that the Village regulations allows up to 4 ft. fence on the property line without a permit. A higher fence can be constructed according to the set back, i.e. 15 ft from the back property line. The Mohantys of 5 Lowell Place have applied for a 6 ft. fence 3 ft from the rear property line which he has denied.

Mr. Mohanty made the following comments:

- To meet the 15 ft setback requirement would put the fence in the middle of his back yard.
- His request is for a 6 ft fence 3 ft from his rear lot line and which would incorporate the trees which are also there and would blend in with the surrounding.
- It is a privacy issue for either his family to have use of their back yard anytime and the cemetery visitors or the family of a burial.
- He has talked with the residents of Lowell Place who about the cemetery and they have no issue with his request for a 6" privacy fence. In fact, his neighbor is also applying for a fence variance this evening.
- He stated that most of the cemetery visitors are taller than 4 ft. a 4 ft. fence would not accomplish the privacy to both him and the cemetery

Mary Sivois, Cemetery Association Chairperson made the following comments on Mr. Mohanty's request for a variance.

- The State of New York is pressing them to use all spaces available especially if the area has a pandemic.
- The trees are on Mr. Mohanty's property.
- Cemetery Association currently does not have the funds to construct a fence along their line that abuts the backyards of Lowell Place residents
- Although the Cemetery Association has not met on this, she thought that the other members of the Board would not have a problem with a 6 ft fence 3 ft from Mr. Mohanty's rear property line.

Anita Watkins stated that she had no objection to the Mohanty's variance request.

Mr. Hopcroft stated that his property was across the street from Mr. Mohanty and that he too did not object to Mr. Mohanty's variance request.

Mr. Mohanty presented printed e-mails from his other neighbors who also supports Mr. Mohanty's variance request.

The Board asked if Mr. Mohanty had thought about working with the Cemetery Association to come up with an agreement in which the Cemetery would apply for a variance for a 6 ft fence with the property owners paying for their portion of the fence. Mr. Mohanty stated that he had not thought about that, but it would be something that he would consider. Mr. Mohanty asked the board to continue the public hearing until August, giving him time to meet with the other residents that abut the cemetery to determine if they would agree to an agreement with the Cemetery Association. This would also give the Cemetery Association to call a meeting to discuss this option.

The consensus of the Board was to continue the public hearing at the July 6th ZBA meeting.

Chairman Young opened the second public hearing at 8:34 PM.

Chairman Young stated that the applicant was unable to be present this evening and since it is an area variance for a 6' fence at 3 Lowell Place, he recommended that this public hearing also be continued until the next meeting.

The consensus of the Board was to continue the public hearing at the July 6th ZBA meeting.

There being no other business to be brought before the Zoning Board of Appeals this meeting was adjourned at 8:36 PM.

Respectfully submitted,
Mary Jane Neff