

Minutes
For the
Village of Cayuga Heights
Zoning Board of Appeals Public Hearing and Meeting
Held on November 2, 2009

The public hearing was convened at 7:05 PM

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

Absent: Alternate member Alison Smith

Code Enforcement Officer: Brent Cross,

Others: Kristin Gutenberger, Attorney and Mary Jane Neff, Secretary

Guest: Micah Cormier and Peter Grossman

The public hearing was opened at 7:05 PM

Chairman Young explained the proceedings.

Code Officer Cross stated that there had been an error in the Public hearing date on the letter sent to the neighbors. When he found the error, he contacted Attorney Gutenberger to get a determination if the public hearing could proceed this evening. Attorney Gutenberger stated that she recommends that the public hearing proceed because this is a regular meeting night for the ZBA and because neighbors had time in which to contact the Village if they had questions on the meeting time, place and date.

Code Officer Cross explained that, although the Board had granted Mr. Cormier a variance to exceed the 12% lot coverage at its September 8, 2009 meeting, Mr. Cormier had since contacted an architect who had recommended demolishing the screen porch, extending the kitchen into the garage, and adding an addition to the garage. This change would reduce the 16.8% variance granted on September 8, 2009 to 14.8% lot coverage. Code Officer Cross stated that he has denied the new building permit request because of the change from the prior request and because the request still exceeds the zoning allowance for 12% lot coverage. He reminded the Board that this was an unusual lot because it fronts on two streets and is smaller than the current required lot size.

Mr. Cormier stated that it is still his goal to increase the size of the kitchen for his family. The current kitchen size is too small for his wife to cook in and have their small child in the kitchen with her. He further explained that since his last hearing, he had contracted with a contractor/architect for the project he proposed at the last hearing. Upon review by the contractor, the contractor recommended that he demolish the screen porch, enlarge the kitchen into the garage and extend the garage.

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Member McClelland asked if the shed would be removed. Mr. Cormier stated that it has already been removed.

The public hearing was closed at 7:20 PM.

The Board went into their meeting to discuss the change requested and to discuss their response to the five elements for approving or denying a variance request.

The Board noted at this time that this action was a type II SEQR and would not require a SEQR review.

The first consideration being could the applicants' goal be achieved by another alternative? The consensus of the Board was no. The second consideration is does this request create an undesirable change in the neighborhood or to the near by property owners? The consensus of the Board was that it would not because it is less lot coverage than the previous request. The third consideration, is this request substantial? The consensus of the Board was that the request is substantial, but less than what had been granted at the September 8, 2009 meeting. The fourth consideration is does this request have an adverse physical or environmental effect? The consensus of the Board was no. The fifth consideration is, was the difficulty self-created by the owner? The consensus of the Board was that since the house was built prior to zoning regulations that the owner had restraints that were not self created.

The Board asked the staff if any of the neighbors had contacted them. Code Officer Cross reported that Pam Quick was away at time of this meeting, but she conveyed that she did not have a problem with this request.

On a motion by Powers, seconded by Cowett and with Cowett, Powers, How, McClelland and Young voting yea, the following was adopted:

RESOLVED, that an area variance is hereby granted to 204 Cayuga Heights Road for the increase of lot coverage from the required 12 % lot coverage to the proposed lot coverage of 14.8%.

Chairman Young reminded the applicant that the residents had 30 days to bring a petition to reverse the Board's decision.

The Board went into a discussion with Attorney Gutenberger and Code Officer Cross about possible changes in the application form and process. In a prior e-mail to the Board members, Attorney Gutenberger stated that she had sent a copy of the Town of Ithaca application and procedures for the members to review. Peter McClelland stated that he had reviewed the town's application and found it to be cumbersome and on the verge of discriminatory. Residents who may not be highly educated may find the Town's

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application too hard to complete. Attorney Gutenberger stated that the Board could recommend the use of 1 or 2 pages of the Town's format. Peter McClelland stated that he did not feel that the current application was a problem and that he did not want to make the application process too cumbersome for the residents. The Board discussed alternatives.

Contrary to Attorney Gutenberger's advice, it was the consensus of the Board that the application remain the same format that is being used by the Code Officer and requested Code Officer Cross, in the future, to request a narrative of the project from the applicant and to provided all applicants with a copy of the Board's finding criteria, as described by the Department of State. It is the Board's hope that if the applicant is prepared and understands the criteria under which the Board approves or denies an application, meeting time may be lessens.

There being no other business to be brought before this Board the meeting was closed at 8:40 PM.

Respectfully submitted,
Mary Jane Neff, Secretary