

Minutes
For the
Village of Cayuga Heights
Zoning Board of Appeals Meeting
Held on March 1, 2010

The meeting was convened at 7:05 PM

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

Absent: Members Robert Powell and Sarah How and alternate member Alison Smith

Code Enforcement Officer: Brent Cross,

Others: Attorneys Randall Marcus and Kristin Gutenberger and Mary Jane Neff, Secretary to the Zoning Board of Appeals

Guest: None

The consensus of the Board was to approve alternate member Sally Grubb to vote at tonight's meeting if any action was taken by the Board.

This meeting was scheduled as a training session with the Village attorneys.

Attorney Marcus opened the training session with an explanation. The Zoning Board of Appeals (ZBA) is unique to each municipality. State law requires a municipality to have a ZBA if it enacts zoning regulations. The ZBA has limited purpose – to allow or not allow an exception to the zoning laws or to interpret a zoning law. There are two categories of variances that can be requested – Use or Area. The Board members' duties are to gather information about the property that the variance is being requested for; such as asking the zoning officer questions, photos, survey and any other information that may be available on that property. If adequate information is not available the ZBA can adjourn the meeting, request the additional information and reconvene the meeting once the information is provided.

Attorney Marcus also stated that his and Attorney Gutenberger's job was to help the Board's decision withstand an Article 78 hearing. He then asked Attorney Gutenberger to review the example of a resolution that can be used by the Board. She further explained that if they follow the resolution requirements when they discuss the variance request they will be answering the questions and will bring them to the decision of approving or denying a variance request.

It was the Board's decision to adjourn tonight's meeting and to continue the training at its next meeting to be set by the consensus of the Board and the Attorneys.

There being no other business to be brought before this Board the meeting was closed at 9:06 PM.

Respectfully submitted,
Mary Jane Neff, Secretary