

Minutes for the
Village of Cayuga Heights
Zoning Board of Appeals Meeting
July 12, 2011

MINUTES UNTIL BOARD APPROVAL

Present: Chairman J. Young, Members A. Watkins, and K. Sigel. Alternates M. Eisner and A. Shull. Code Enforcement Officer: B. Cross, Attorney K. Gutenberger, and VCH Deputy Clerk A. Korbel

Others: (See Sign In Sheet)

1. Meeting called to order

Called to order by Chair J. Young at 7:06 pm.

Chair J. Young appointed Alternates M. Eisner and A. Shull as voting members during the meeting.

2. Variance Applications

A. 817 Triphammer Rd- Fence Variance →

- Code Enforcement Officer: B. Cross presented the Fence Variance request to the board. Code Enforcement Officer: B. Cross previously submitted the Variance Application and Zoning Officer's Report to the board for review. (See Appendix)
- Property Owner, H. Tavelli, further explained the project to the board and submitted pictures for the board's review. (See Appendix)
- E. Mount made a statement to the board supporting the project.
- Chair J. Young read a letter from S. Schlaepfer also supporting the project.
- G. Brodhead also spoke in support and had submitted an email to Code Enforcement Officer: B. Cross in support. (See Appendix).
- M. Eisner asked the members of the public if anyone had objections to the project; no responses.
- Code Enforcement Officer: B. Cross stated J. & N. Cowan sent an email in support of the project. (See Appendix).
- Public Comment closed.
- It has been determined that the project is a Type II action and is therefore exempt from SEQR

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS
RESOLUTION ADOPTED ON JULY 12, 2011 FOR APPEAL NO. 2011-2**

Motion made by: Jack Young

Motion seconded by: Anita Watkins

WHEREAS:

A. This matter involves consideration of the following proposed action: to construct a fence and gate in the easterly side yard of 817 Triphammer Road (tax parcel 11.-2-29). Said fence and gate will be constructed with a height of more than 4 feet and within the 15 foot side-yard setback area required by Section 6 of the Village of Cayuga Heights Zoning Ordinance; and

B. On July 12, 2011, the Village of Cayuga Heights Zoning Board of Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and

C. On July 12, 2011, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Cayuga Heights Zoning Board of Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and

D. On July 12, 2011, in accordance with Section 712-b of the Village Law of the State of New York and Village of Cayuga Heights Article IX§21, the Village of Cayuga Heights Zoning Board of Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Cayuga Heights Zoning Board of Appeals hereby makes the following findings with respect to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State of New York and Village of Cayuga Heights Article IX§21:

Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.

Finding:

YES _____ NO X, because: there is a lot of neighbor support, the fence/gate is proportionate to the house and the rest of the fence, and the non-compliant part of the fence/gate will be less than 10 feet in length.

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

Finding:

YES X NO _____, because: the applicant could build a 4 foot fence and not need the variance or the applicant could leave the space open completely.

Whether the requested area variance is substantial.

Finding:

YES _____ NO X, because: the fence/gate is less than 10 feet in length and will not occupy the entire 15 foot required setback area.

Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding:

YES _____ NO X, because: the rest of the yard is open and deer or other animals may travel through the yard without hindrance. Also, only a portion of the setback is being impacted and no physical change to the natural landscape will be made.

Whether the alleged difficulty was self-created.

Finding:

YES X NO _____, because: the applicant does not need to construct the fence/gate within the setback area.

1. It is hereby determined by the Village of Cayuga Heights Zoning Board of Appeals that the following variance is **GRANTED AND APPROVED** (with conditions, if any, as indicated), it being further determined that such variance is the minimum necessary and adequate to grant relief and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

Description of Variance: the applicant has been granted a variance to construct a fence and gate in the easterly side yard of 817 Triphammer Road (tax parcel 11.-2-29). Said fence and gate will be constructed with a height of more than 4 feet and within the 15 foot side-yard setback area required by Section 6 of the Village of Cayuga Heights Zoning Ordinance.

Conditions of Variance:

1. The edge of the fence/gate will not be less than 5 feet from the easterly property line; and
2. The height of the fence/gate will be no taller than the height of the existing fence, as shown on the pictures submitted to the ZBA on July 12, 2011.

The vote on the foregoing motion was as follows:

AYES: John Young
Kirk Sigel
Alison Shull
Mark Eisner
Anita Watkins

NAYS: None

The motion was declared to be carried.

B. 1 Strawberry Lane- Increase Lot Coverage Variance →

- Code Enforcement Officer: B. Cross presented the Lot Coverage Variance request to the board. Variance is based on a previous Variance Request approved in August 2010. Current request is to change the project location from the front of the property to the back. Code Enforcement Officer: B.

Cross previously submitted the Variance Application and Zoning Officer's Report to the board for review. (See Appendix)

- Property Owner, C. Frantz, explained the reasons for the change from the previous plan to the board.
- Public Hearing Closed

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS
RESOLUTION ADOPTED ON JULY 12, 2011 FOR APPEAL NO. 2011-3**

Motion made by: Kirk Sigel

Motion seconded by: Jack Young

WHEREAS:

A. This matter involves consideration of the following proposed action: granting of an area variance to permit an increase in the lot coverage from the 12% allowed by the Village of Cayuga Heights Zoning Ordinance Section 7: Building Coverage in a Residence District to 13% at 1 Strawberry Lane (tax parcel#8.-2-11); and

B. On July 12, 2011, the Village of Cayuga Heights Zoning Board of Appeals held a public hearing regarding such action, and thereafter thoroughly reviewed and analyzed (i) the materials and information presented by and on behalf of the applicant(s) in support of this appeal, (ii) all other information and materials rightfully before the Board, and (iii) all issues raised during the public hearing and/or otherwise raised in the course of the Board's deliberations; and

C. On July 12, 2011, in accordance with Article 8 of the New York State Environmental Conservation Law - the State Environmental Quality Review Act ("SEQR), and 6 NYCRR Section 617.5, the Village of Cayuga Heights Zoning Board of Appeals determined that the proposed action is a Type II action, and thus may be processed without further regard to SEQR; and

D. On July 12, 2011, in accordance with Section 712-b of the Village Law of the State of New York and Village of Cayuga Heights Article IX§21, the Village of Cayuga Heights Zoning Board of Appeals, in the course of its deliberations, took into consideration the benefit to the applicant if the area variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Village of Cayuga Heights Zoning Board of Appeals hereby makes the following findings with respect to the specific criteria for such area variance as set forth in Section 712-b of the Village Law of the State of New York and Village of Cayuga Heights Article IX§21:

Whether an undesirable change will be produced in the character of the neighborhood or detriment to nearby properties will be created by granting the area variance.

Finding:

YES _____ NO X , because: the increase is modest and the new addition will fit within the current envelope of the existing building.

Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance.

Finding:

YES _____ NO X , because: given the fact that the property is already over the allowable lot coverage, any increase would require a variance.

Whether the requested area variance is substantial.

Finding:

YES _____ NO U , because: the increase is only approximately 5%.

Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding:

YES _____ NO U , because: the increase is only approximately 5%.

Whether the alleged difficulty was self-created.

Finding:

YES X NO _____, because: the applicant does not need to construct the addition.

1. It is hereby determined by the Village of Cayuga Heights Zoning Board of Appeals that the following variance is **GRANTED AND APPROVED** (with conditions, if any, as indicated), it being further determined that such variance is the minimum necessary and adequate to grant relief and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

Description of Variance: The granting of an area variance permitting the applicant to increase the lot coverage from 12% up to 13%.

Conditions of Variance: The applicant must build the addition as described on the plans submitted by the applicant to the Village of Cayuga Heights Zoning Board of Appeals.

The vote on the foregoing motion was as follows:

AYES: John Young
Kirk Sigel
Alison Shull
Mark Eisner
Anita Watkins

NAYS: None

The motion was declared to be carried.

3. Review and approval of January 24, 2011 Minutes

Minutes incomplete. Angela will meet with Village Clerk Mary Mills to clarify missing/incomplete items. Once revised, Angela will pass along to the board for approval.

4. ZBA Training → Board members are required to have 4 hours of training per year. Board discussed possible training opportunities. Attorney K. Gutenberger and Attorney Randy Marcus are available to conduct specialized trainings.
5. Sign Variance → Code Enforcement Officer B. Cross informed the board of a possible upcoming Sign Variance request from Corner's Community Center. The Center would like to install a sign advertising the Center.
6. Adjourn

Motion: M. Eisner

Second: A. Watkins

ADJOURN MEETING

RESOLVE, that this meeting was adjourned at 8:30 PM.

Aye votes – All in favor

Opposed- None