

Minutes for the
Village of Cayuga Heights
Zoning Board of Appeals Meeting
September 6, 2011

MINUTES

Present: Members K. Sigel, B. Powers and A. Watkins. Alternates M. Eisner and A. Shull.
Code Enforcement Officer B. Cross, Attorney R. Marcus, and VCH Deputy Clerk A. Korbel

Others: T. Ciaschi

1. Meeting called to order

Meeting called to order by Acting Chair A. Watkins at 7:08 pm.

Acting Chair A. Watkins appointed Alternates M. Eisner and A. Shull as voting members during the meeting.

2. Approval of July 12, 2011 and August 1, 2011 minutes

B. Powers abstained from voting on the July 12, 2011 minutes as he was not in attendance for that meeting.

Motion: K. Sigel

Second: A. Shull

APPROVING MINUTES OF JULY 12, 2011

RESOLVE, that the written, reviewed and revised minutes of July 12, 2011 meeting are hereby approved.

Aye votes – K. Sigel, A. Watkins, M. Eisner and A. Shull.

Opposed- None

Abstained: B. Powers

K. Sigel abstained from voting on the August 1, 2011 minutes as he was not in attendance for that meeting.

Motion: B. Powers

Second: A. Shull

APPROVING MINUTES OF AUGUST 1, 2011

RESOLVE, that the written, reviewed and revised minutes of August 1, 2011 meeting are hereby approved.

Aye votes – B. Powers, A. Watkins, M. Eisner and A. Shull.

Opposed- None

Abstained: K. Sigel

3. Sign Variance Application

Applicant, T. Ciaschi, submitted an application in August for an area variance in order to increase the number of signs at Community Corners Center and increase the total square footage of signs. The Board had opened the Public Hearing on this matter at its August meeting. Mr. Ciaschi was not present to answer the Board's questions at that time. This meeting served as a continuation of the August Public Hearing.

Code Enforcement Officer B. Cross summarized the variance request for the Board.

Code Enforcement Officer B. Cross investigated whether the Community Corners Center is in compliance with zoning regulations regarding the Center currently having 4 standing signs. Current Zoning Regulations only allow for 1 standing sign. Based on prior variances granted by the Board, including a decision in 1992, the Center was found to be in compliance.

Applicant T. Ciaschi explained his reasons for the variance request. Several visitors to the Center have stated it is difficult to find businesses located in the Center. The new proposed signs would include a business directory making it easier to locate businesses.

Applicant T. Ciaschi answered the Board's questions on sign wording, location, and design.

The Board discussed the variance finding questions and conditions.

The Board discussed the application, and concluded that due to the Center being so large and having so many businesses, an increase in the number of signs and square footage would be appropriate. The Board then completed their findings and conditions.

VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS
RESOLUTION ADOPTED ON SEPTEMBER 6, 2011 FOR APPEAL NO. 2011-4

Motion made by: K. Sigel

Motion seconded by: B. Powers

WHEREAS:

- A. This matter involves consideration of the following proposed action: an area variance seeking to increase the number of overall signs and also an increase in the total square footage of signs for tax parcel #10-4-1.2, commonly known as the Corners Community Center. The Village of Cayuga Heights Zoning Ordinance Section 17-A: SIGNS permits one free standing sign that shall not exceed 18 square feet, so long as there are more than 2 businesses on any one parcel. The applicant is seeking to increase the number of signs to a total of 5 with a total square footage of approximately 100 square feet, and
- B. On September 6, 2011, the Village of Cayuga Heights Zoning Board of Appeals held a public hearing regarding such action, and thereafter 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 September 6, 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 September 6, 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 no objection has been presented by any member of the public, and the Board believes the proposed signage will improve access to and information about the shopping center, and this center is so large, and contains so many tenants, that additional signs and additional square footage are necessary for this improved access and information.

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 there is no way to provide a meaningful directory or to provide directional signage that could be legible from the road, and there are multiple entrances to this center resulting in additional need for directional and information signs.

Whether the requested area variance is substantial.

Finding:

YES X NO _____, because the area and number of signs far exceeds the Zoning Ordinance's limit, however, the Board believes the proposed signage will improve access to and information about the shopping center, and this center is so large, and contains so many tenants, that additional signs and additional square footage are necessary for this improved access and information.

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 condition #4 below will prevent any safety issues concerning drivers' visibility, and the Board has not identified any other physical or environmental effects.

Whether the alleged difficulty was self-created.

Finding:

YES _____ NO X, because the center pre-dates the Zoning Ordinance.

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:

An area variance permitting an increase in the number of overall signs and also an increase in the total square footage of signs for tax parcel #10-4-1.2, commonly known as the Corners Community Center. The Village of Cayuga Heights Zoning Ordinance Section 17-A: SIGNS permits one free standing sign that shall not exceed 18 square feet, so long as there are more than 2 businesses on any one parcel. The applicant is permitted to increase the number of signs to a total of 5 with a total square footage of approximately 100 square feet.

Conditions of Variance:

1. No listing or information on Sign B will count toward an individual tenant's sign allowance.
2. The text on Sign A is limited to the proposed text, and any text on the reverse side is limited to the same text as on the front.
3. Sign B must have the same information on the reverse side as on the front.
4. Final location of Sign A must be approved by the Village Engineer for safe sight lines.

- 5. The signs must be constructed in substantial conformity with the pictures submitted with the application and be placed in the locations depicted on the map submitted with the application as well.

The vote on the foregoing motion was as follows:

AYES: A. Watkins
K. Singh
B. Plym
A. Skull
M. Fisher

NAYS: None

The motion was declared to be carried.

- 4. No new business
- 5. Adjourn

Acting Chair A. Watkins adjourned the meeting at 8:27 PM