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@ 1:35 PM
mjm

5 February 2010

Village of Cayuga Heights
Village Trustees
836 Hanshaw Road
Ithaca, New York 14850

RE: Freedom of Information Law Request for Records

Dear Village Trustees,

We have reviewed the official meeting minutes for the Zoning Board of Appeals Public Hearing and Meeting held on January 4, 2010. I am writing to make you aware that while the minutes do provide an abridged summary of the meeting, they do not accurately portray the proceedings to parties who were not there such as yourselves.

Our perception was that the ZBA's nearly three hour review, ultimately ending in the denial of a ZBA-initiated, ZBA-facilitated, and ZBA-articulated alternate compromise fencing plan is evidence of a predisposition of some ZBA members to deny all fencing variance requests that would potentially, as a consequence of height, act as a visual barrier as well as impact the free movement of deer within the Village. We believe the ZBA's decision to deny our request was based on their unwillingness to make a decision that could be viewed by some community members as a pro- or anti-deer stance. We believe the decision should have been based on the specific details of our request, the public support of our request by our immediate neighbors (or their silence) relative to any detriment to the health, safety and welfare of the neighborhood that granting such a request might cause.

Under the provisions of the New York Freedom of Information Law, Article 6 of the Public Officers Law, we respectfully request copies of any records regarding variance requests relating to fences, including ours and that relate to the way ZBA handles all variance requests. These records should include all written materials including, but not limited to, hand-written notes, email communications, letters, or other documents for the last four months.

The Freedom of Information Law requires that an agency respond to this request within a maximum of five business days of receipt. If for any reason, any portion of this request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Regards,



Randall W. Nesbitt
Christina J. Lacey



Cc: Members of the Zoning Board of Appeals, Brent Cross – Village Engineer, Randy Marcus