

Minutes for the
Village of Cayuga Heights
Zoning Board of Appeals Meeting
February 2, 2015

Present: Members Chair J. Young, A. Shull, R. Parker, K. Sigel, and A. Watkins
Code Enforcement Officer B. Cross, VCH Deputy Clerk A. Podufalski
Attorney R. Marcus

1. Meeting called to order

- Meeting called to order by Chair J. Young at 7:05 pm.
- There is an error on the agenda as there was no meeting in December. The minutes to be approved are the April 7, 2014 minutes.

2. Approval of April 7, 2014 Minutes

APPROVING MINUTES OF APRIL 7, 2014

RESOLVE that the written, reviewed and revised minutes of April 7, 2014 meeting are hereby approved with A. Watkins abstaining.

3. Variance Applications

A. 524 Highland Road

- Chair J. Young reviewed the public notice.
- The applicant explained further details regarding the variance request.
- Code Enforcement Officer B. Cross gave a background summary on the case.
- Public comment
 - Code Enforcement Officer B. Cross stated the owner at 518 Highland Road has no objections and is in support of the fence.
 - Chris Anagnost of 100 W. Upland Road told the Board the fence is not visible from his view point.
- Attorney R. Marcus informed the Board the variance request is a Type II action exempt under Section 617.5(c) of SEQR.
- The Board answered the findings questions as follows:

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS RESOLUTION
ADOPTED ON (FEBRUARY 2, 2015) FOR APPEAL NO. 2015-1**

Motion made by: K. Sigel

Motion seconded by: R. Parker

WHEREAS:

- A. This matter involves consideration of the following proposed action: granting of an area variance to allow an existing fence to remain approximately 10' from the front property line(s), which is less than the 25' required by the Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements. The property in question is known as 524 Highland Road (see attached map) tax map # 12.-2-1; and
- B. On February 2, 2015 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 February 2, 2015 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 (c), 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 February 2, 2015 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:

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: A) The fence is not very visible and does not affect a substantial portion of the perimeter. B) There is no negative affect on deer passage.

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 fence could have been set back further, but the proposed fence is nonetheless reasonable.

Whether the requested area variance is substantial.

Finding:

YES X, NO _____, because: A 10' setback from the property line is a substantial reduction from the required 25', but is mitigated because it only affects a small portion of the perimeter. The Board also took into consideration the unusual lot configuration.

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 proposed fence will not affect surrounding streams or deer passage.

Whether the alleged difficulty was self-created.

Finding:

YES _____, NO X because: The lot has an unusual configuration and there is not a lot of available area that would meet the set-back requirements.

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:

Granting of an area variance to allow an existing fence to remain approximately 10' from the front property line(s), which is less than the 25' required by the Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements.

Conditions of Variance:

The fence must remain substantially as built.

The vote on the foregoing motion was as follows:

AYES:	A. Shull	NAYS: None
	K. Sigel	
	R. Parker	
	J. Young	
	A. Watkins	

The motion was declared to be carried.

B. 1 Triphammer Road

- Chair J. Young reviewed the public notice.
- Code Enforcement Officer B. Cross gave a background summary on the case.
- Code Enforcement Officer B. Cross informed the Board he received an email on behalf of the owner of 1007 Triphammer Road stating they have no objections to the fence.
- The applicant explained further details regarding the variance request.
- Public comment- No members of the public present to comment.
- Attorney R. Marcus informed the Board the variance request is a Type II action exempt under Section 617.5(c) of SEQR.
- The Board answered the findings questions as follows:

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS RESOLUTION
ADOPTED ON (FEBRUARY 2, 2015) FOR APPEAL NO. 2015-2**

Motion made by: A. Watkins

Motion seconded by: R. Parker

WHEREAS:

A. This matter involves consideration of the following proposed action: granting of an area variance to allow new fence(s) to be installed 2.5' from the Triphammer Lane front/side property line and up to 0' from the Triphammer Road property line, which

is less than the 25' required by the Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements. The property in question is known as 1 Triphammer Lane (see attached map) tax map # 10.-3-19; and

B. On February 2, 2015 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 February 2, 2015 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 (c), 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 February 2, 2015 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:

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 have been no objections from neighbors and the proposed fence will be well screened by vegetation.

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: A) The position of the house makes it difficult to achieve the benefits sought by the applicant without a variance B) The applicant wants to utilize the existing fence..

Whether the requested area variance is substantial.

Finding:

YES X NO _____, because: A 0' setback from the property line is a substantial reduction from the required 25', but is mitigated because it only affects a small portion of the perimeter.

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 proposed fence allows room for deer passage.

Whether the alleged difficulty was self-created.

Finding:

YES X NO _____, because: The applicant wants to build the fence in that location.

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:

Granting of an area variance to allow new fence(s) to be installed 2.5' from the Triphammer Lane front/side property line and up to 0' from the Triphammer Road property line, which is less than the 25' required by the Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements.

Conditions of Variance:

The fence must be built as indicated in the plans presented to the Board except as modified during the meeting to include up to a 0' setback for the Triphammer Road property line.

The vote on the foregoing motion was as follows:

AYES: A. Shull
 K. Sigel
 R. Parker
 J. Young
 A. Watkins

NAYS: None

The motion was declared to be carried.

4. Other Business

- No other business discussed.

5. Adjourned

- Meeting adjourned at 7:55 pm.