

Village of Cayuga Heights
Zoning Board of Appeals Meeting
Minutes
May 4, 2015

Present: Members Chair J. Young, K. Sigel, A. Watkins and Alternate M. Eisner
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.
- Chair J. Young appointed Alternate M. Eisner as a voting member for the meeting.

2. Approval of February 2, 2015 Minutes

APPROVING MINUTES OF FEBRUARY 2, 2015

RESOLVE that the written, reviewed and revised minutes of the February 2, 2015 meeting are hereby approved.

3. Variance Applications

A. 210 Hampton Road

- Chair J. Young reviewed the public notice.
- Code Enforcement Officer B. Cross gave a background summary on the case. He also informed the Board he had not received any comments from the public regarding the variance request.
- The applicant explained further details regarding the variance request.
- Public comment
 - A neighbor attended the hearing, but only commented to say the overall process was very informative.
- 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 (MAY 4, 2015) FOR APPEAL NO. 2015-3**

Motion made by: A. Watkins

Motion seconded by: K. Sigel

WHEREAS:

- A. This matter involves consideration of the following proposed action: granting of an area variance to allow a new 6'-8' high fence to be erected at 6" from the rear property line, which is less than the 15' required by the Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements. The property in question is known as 210 Hampton Road (see attached map) tax map # 6.-11-1; and
- B. On May 4, 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 May 4, 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 May 4, 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: 1) The fence would affect a relatively small portion of the perimeter 2) Given the location of the air conditioners, the fence would be a benefit to both the applicant and the neighbor.

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 the fence at the setback limit, but this would close off a larger portion of her yard.

Whether the requested area variance is substantial.

Finding:

YES X NO _____, because: The fence would only be 6' from the property line rather than the required 15'. However this would only affect a small portion of the property border.

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 would replace an existing deer fence.

Whether the alleged difficulty was self-created.

Finding:

YES _____, NO X because: The applicant has no control over the placement of her neighbor's house.

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 a new 6'-8' high fence to be erected at 6' from the rear property line, which is less than the 15' required by the Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements.

Conditions of Variance:

- 1) The fence shall be built as described by the applicant during the hearing and as stated in the submitted plans.
- 2) The fence will be a maximum of 6' high as fences are typically measured on slopes by Code Enforcement Officer B. Cross.
- 3) The existing deer fence will be removed.

The vote on the foregoing motion was as follows:

| | | |
|-------|------------|------------|
| AYES: | A. Watkins | NAYS: None |
| | K. Sigel | |
| | M. Eisner | |
| | J. Young | |

The motion was declared to be carried.

4. Other Business

- No other business discussed.

5. Adjourned

- Meeting adjourned at 7:50 pm.