

Village of Cayuga Heights  
Zoning Board of Appeals Meeting  
Draft Minutes  
October 5, 2015

Present: Members Acting Chair K. Sigel, A. Watkins and Alternate M. Eisner  
Code Enforcement Officer B. Cross, VCH Deputy Clerk A. Podufalski  
Attorney R. Marcus  
Members of the Public

1. Meeting called to order

- Meeting called to order by Acting Chair K. Sigel at 7:09 pm.
- Acting Chair K. Sigel appointed Alternate M. Eisner as a voting member for the meeting.

2. Continuation of 105 Berkshire Rd. Public Hearing

- The public hearing was re-opened after being adjourned at the September 8, 2015 meeting. No members of the public in attendance wished to comment. The public hearing remained open in the event any other members of the public arrived. The Board discussed other business.

3. Approval of Minutes

**APPROVING MINUTES OF MAY 4, 2015**

**RESOLVE that** the written, reviewed and revised minutes of the May 4, 2015 meeting are hereby approved.

**APPROVING MINUTES OF SEPTEMBER 8, 2015**

**RESOLVE that** the written, reviewed and revised minutes of the September 8, 2015 meeting are hereby approved.

4. 105 Berkshire Rd. Public Hearing (continued)

- Attorney R. Marcus informed the Board the variance request is a Type II action exempt under Section 617.5(c)(12) “granting of individual setback and lot line variances” of SEQR.

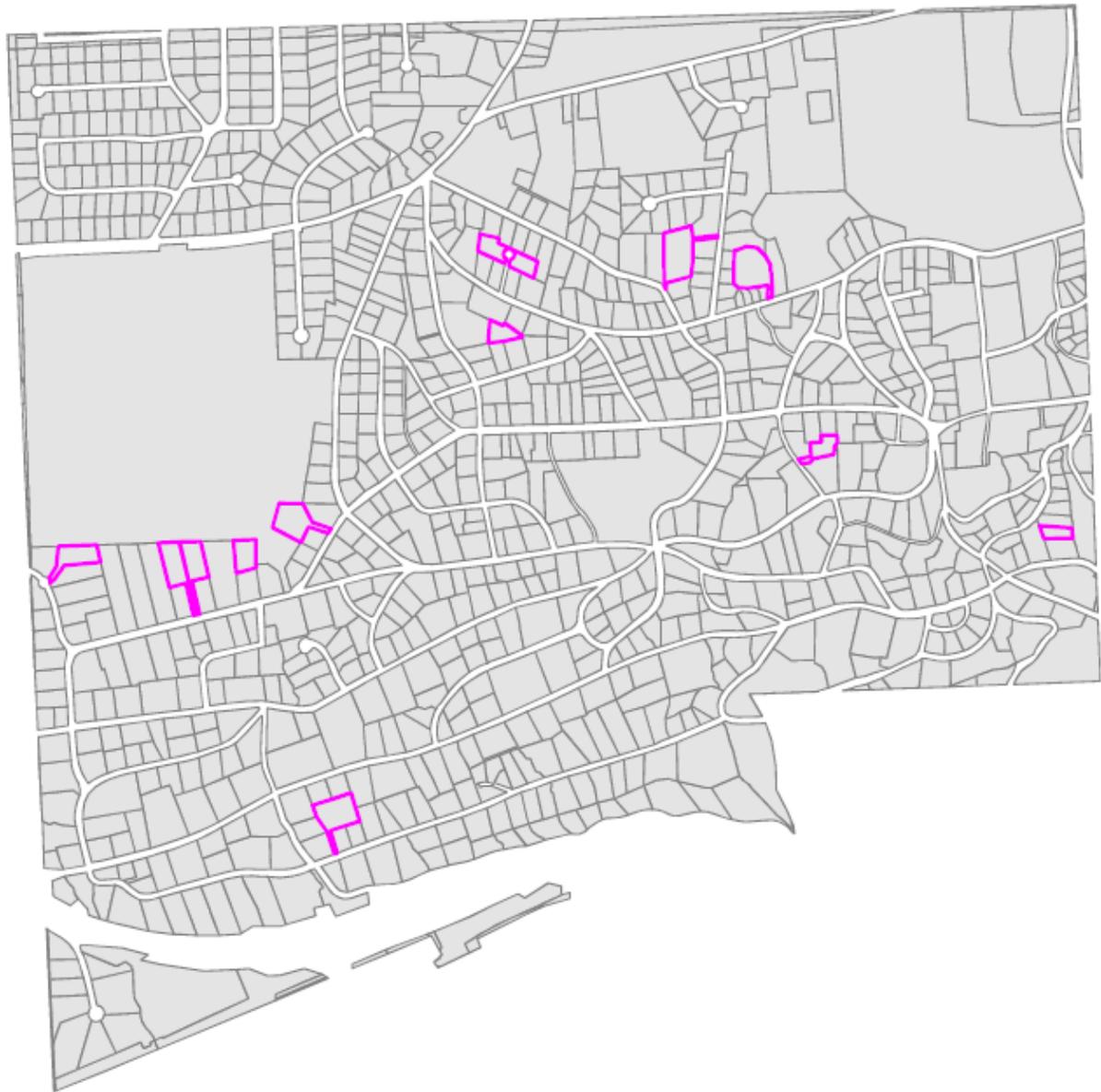
- Code Enforcement Officer B. Cross stated he has not received any further comments from the public regarding the variance request.
- As no other members of the public arrived the public hearing was closed at 7:21 pm.
- M. Eisner asked if this case could set a precedent for other flag lots. Acting Chair K. Sigel stated he has studied other similar properties. He has counted 13 similar lots in the Village. The variance request does not appear to be out of character with other lots.
- The Board discussed the flag lot information compiled by Acting Chair K. Sigel. It was noted that the proposed flag lot would have more road frontage than the typical flag lot. It was also noted that the proposed flag lot and the proposed "front" lot would both be somewhat smaller than what is typical in the Village. It was then discussed that other small "front" lots in the Village contain only single family homes and that it might make sense to limit the occupancy on this newly created lot in order to limit its impact on neighbors and the neighborhood.

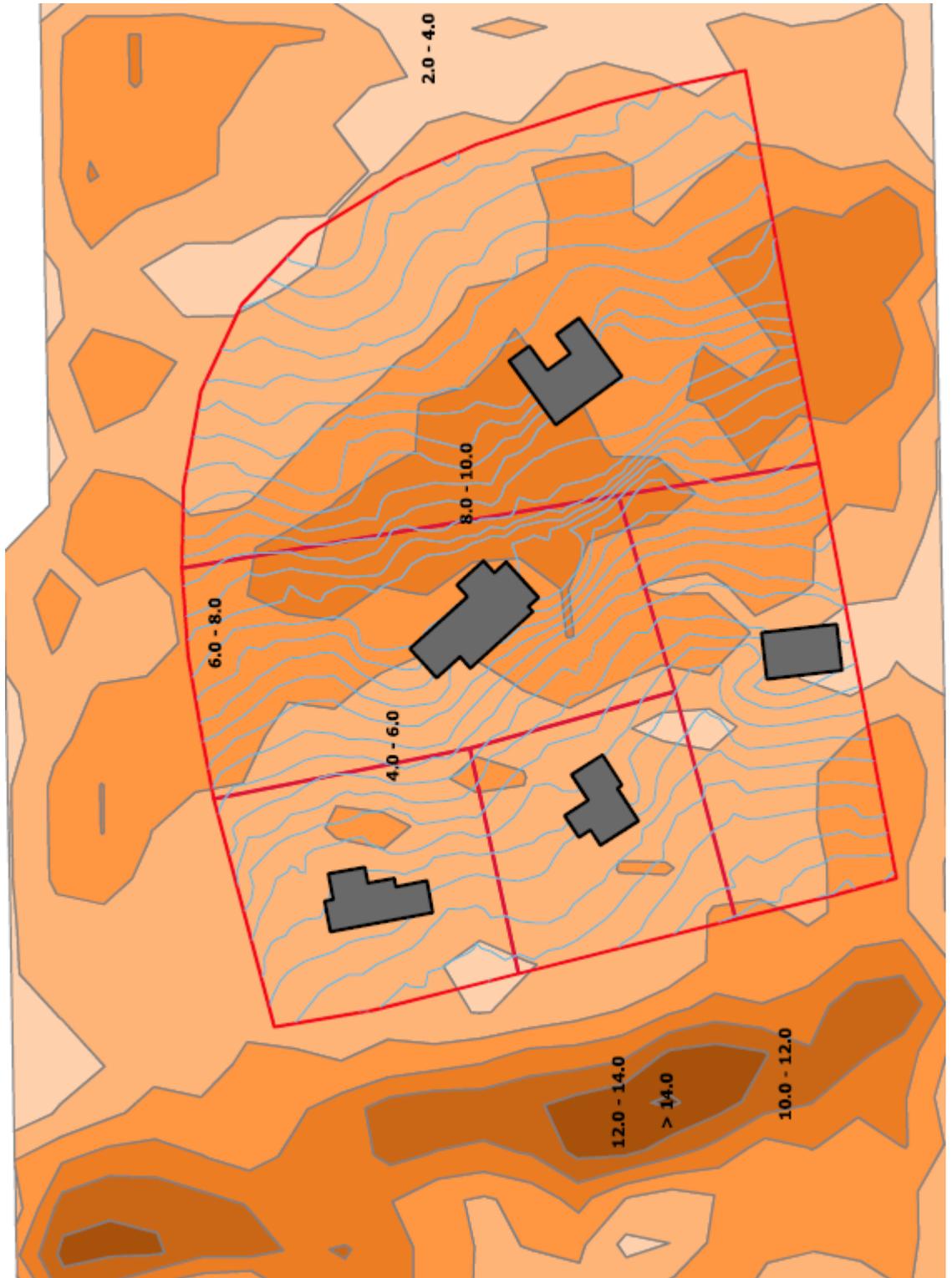
**Flag Lots**

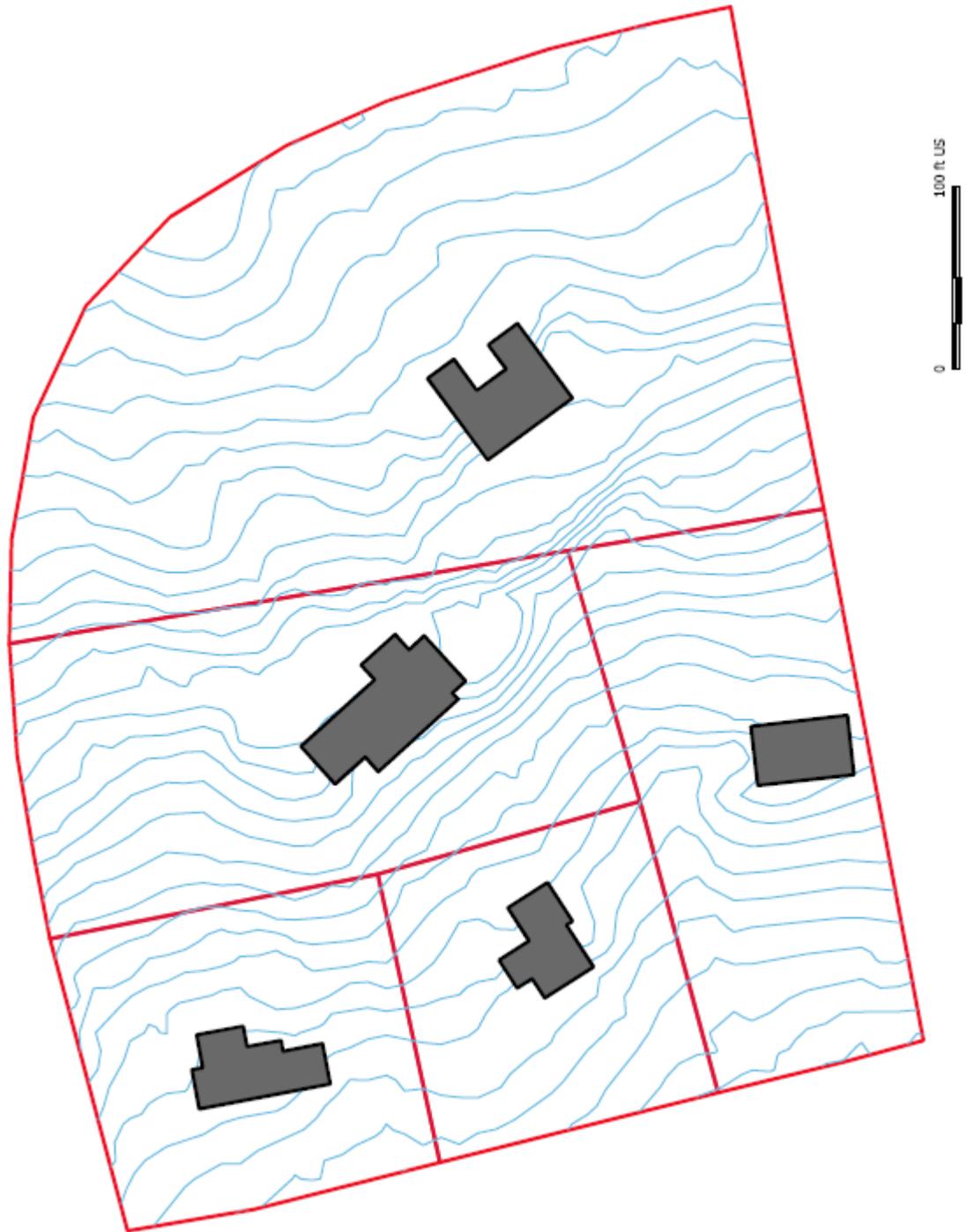
Tax ID	Location	Year Built	Frontage	Area	"Front Lot" Area
2.-4-2	113 Highgate Pl	1964	35'	1.1 ac	
2.-4-10	215 Highgate Rd	1959	25'	1.2 ac	0.7 ac
2.-4-11.1	Highgate Rd	vacant	25'	1.1 ac	0.7 ac
2.-4-13.2	201 Highgate Rd	1982	0'	0.8 ac	0.8 ac
6.-2-6	705 Parkway	1999	40'	1.4 ac	
7.-3-26.1	155 North Sunset	1965	22'	1.5 ac	
10.-2-3.3	411 Klinewoods	1976	0'	0.5 ac	2.3 ac
10.-3-20	2 Triphammer Ln	1954	~20'	0.7 ac	0.4 ac
10.-3-21	3 Triphammer Ln	1953	~20'	0.8 ac	0.4 ac
11.-2-23.1	711 Triphammer Rd	1939	34'	1.7 ac	
11.-2-3	305 Upland	1939	18'	1.8 ac	
12.-4-2	105 Iroquois Rd	1952	35'	0.5 ac	
15.-4-6	524 Wyckoff	1915	0'	0.6 ac	0.5 ac
	<b>Median</b>		<b>22'</b>	<b>1.1 ac</b>	<b>0.7 ac</b>
	<b>105 Berkshire Rd</b>	<b>1958</b>	<b>38'</b>	<b>0.7 ac</b>	<b>0.4 ac</b>

Compiled by Kirk Sigel, Acting ZBA Chair

Maps created by Fred Cowett, Planning Board Chair







- The Board discussed that the 1953 ordinance does not specifically address such lots other than to address road frontage requirements.
- M. Eisner asked if there has been any support for the request from neighbors. Acting Chair K. Sigel stated one neighbor stated they had no strong feelings either way. At the September meeting the Board received a letter from K.

Torgeson, the owner of 106 Berkshire Rd. The homeowner stated her opposition towards the variance.

- Attorney R. Marcus explained to the Board that NYS law clearly states that any decisions made by the Board in this case will not establish any precedent. The Board needs to make its decision based on the merits of the request and not from any other case. It does not mean the Board is prohibited from considering similar cases, but a precedent would not be set. The Board is not bound to decide a request based on actions from a similar case.
- The Board discussed potential conditions if the request is approved.
- Code Enforcement Officer B. Cross expressed concern over making this subdivision more restrictive than any other single family lot.
- The Board answered the findings questions as follows:

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS RESOLUTION  
ADOPTED ON (SEPTEMBER 8, 2015) FOR APPEAL NO.2015-5**

Motion made by: A. Watkins

Motion seconded by: M. Eisner

**WHEREAS:**

- A. This matter involves consideration of the following proposed action: granting of an area variance to allow a new lot to be subdivided with 38.33' road frontage, which is less than the 75' required by the Village of Cayuga Heights Zoning Ordinance Section 7.b: Building Coverage Requirements. The property in question is known as 105 Berkshire Road (see attached map) tax map # 2.-8-2.1; and
- B. On October 5, 2015 and September 8, 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 October 5, 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 October 5, 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:

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  because: it appears the requested variance would not be significantly different from other lots in the neighborhood, including lots on Highgate Rd. and North Sunset, that have reduced or no road frontage.

*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 \_\_\_\_\_; but alternative options for subdividing the parcel might require more than one variance.

*Whether the requested area variance is substantial.*

Finding:

YES  NO \_\_\_\_\_, because: the requested variance which is reducing frontage by approximately 50% is substantial.

*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  because: the lots meet minimum area, dimensional, and all other requirements.

*Whether the alleged difficulty was self-created.*

Finding:

YES  NO \_\_\_\_\_, because: the applicant is choosing to subdivide the property.



house at the location, but it would remain as a single family residence. Attorney R. Marcus informed the Board he and his firm would have to be recused from the case as the potential buyer of the property is a client of his firm.

6. Adjourned

- Meeting adjourned at 8:15 pm.