

Village of Cayuga Heights
Zoning Board of Appeals Meeting
MINUTES
June 6, 2016

Present: Members Chair J. Young, K. Sigel, A. Watkins, R. Parker
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 Chair J. Young at 8:06 pm.

2. Approval of Minutes

APPROVING MINUTES OF JUNE 6, 2016

RESOLVE that the written, reviewed and revised minutes of the June 6, 2016 meeting are hereby approved.

Aye votes – Chair J. Young, K. Sigel, R. Parker, A. Watkins

Opposed- None

3. Public Comment

- No members of the public wished to comment.

4. Variance Applications

A. 117 Cayuga Park Road Variance Application

- Chair J. Young re-opened the public hearing previously adjourned during the June 6, 2016 meeting
- Code Enforcement Officer B. Cross received an email from resident Joan Halperin stating her concerns. Mr. Cross forwarded the letter to the Board prior to the meeting.

June 18, 2016

Brent Cross

Email Letter

Dear Brent,

Thank you for talking to Andrew Tesoro last week about the proposed addition to 117 Cayuga Park Road, which backs onto the northwest corner of my property. I'm sorry I cannot be at the meeting on June 22. Therefore, this note.

I am in no way trying to obstruct my neighbors' addition. Rather, I believe inadequate attention has been paid to finding a solution which would allow them to accomplish their goals without coming within 10 feet of my property. Since there seem to be plans that are more informative than the simple footprint shown on the application, I would ask that a concerted effort be made at this point to see if the addition can be moved further west, leaving a setback that complies with Cayuga Heights guidelines.

I agree that the section of the property chosen for the addition is the least obtrusive with reference to my property. I also note that the neighbors' application states that they will be planting trees. I hope that we can come to an agreement that includes the planting of ample and large enough trees to ameliorate the proximity of their house to the property line if no redesign of the plans occurs.

Best regards,

Joan

- The applicant stated she spoke with Ms. Halperin regarding the project plans.
- A. Watkins requested clarification regarding plantings between the properties.
- Chair J. Young closed the public hearing.
- Attorney R. Marcus informed the Board the variance request is a Type II action exempt under Section 617.5(c)(13) "granting of an area variance(s) for a single-family, two-family or three-family residence;"
- The Board discussed and answered the findings questions as follows:

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS RESOLUTION
ADOPTED ON (JUNE 6, 2016) FOR APPEAL NO.2016-4**

Motion made by: K. Sigel

Motion seconded by: A. Watkins

WHEREAS:

- A. This matter involves consideration of the following proposed action: granting of an area variance to allow construction of a new two-story addition that would have a rear yard of 10', which is less than the 15' required by the Village of Cayuga Heights Zoning Section 6: Yard Requirements. The property in question is known as 117 Cayuga Park Road (see attached map) tax map # 7.-4-8.2; and
- B. On June 22, 2016 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 June 22, 2016 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)(13), 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 review under SEQR; and
- D. On June 22, 2016 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: a) It is a modest addition with only a net 450 sq. ft. increase. b) The 22' height is under the maximum height allowed and is only 2.6' higher than the current structure. c) The rear height is only 15'. d) There is vegetative screening.

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 because: Other options would have an even greater impact on the neighbor.

Whether the requested area variance is substantial.

Finding:

YES NO , because: The setback is 10' rather than the required 15', however, only 1 corner of the addition extends the full 5' into the setback.

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: Standard erosion control measures should protect the nearby stream and the foliage should not be disturbed.

Whether the alleged difficulty was self-created.

Finding:

YES NO , because: The applicant is requesting the variance.

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 the relief sought 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 construction of a new two-story addition that would have a rear yard of 10', which is less than the 15' required by the Village of Cayuga Heights Zoning Section 6: Yard Requirements.

Conditions of Variance:

- 1) The current level of vegetative screening must be maintained.
- 2) The structure will be built substantially as indicated to the Board.

The vote on the foregoing motion was as follows:

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

NAYS:

The motion was declared to be carried.

- Chair J. Young informed the applicant there is a 30 day timeframe in which someone could file for an appeal of the Board's decision.

B. 212 Hanshaw Road Variance Application

- Attorney R. Marcus disclosed to the Board he has represented the applicant on a previous unrelated matter and is also friends with the applicant. The Board had no objections.
- Chair J. Young read the public notice and opened the public hearing. No members of the public were present to comment.
- Code Enforcement Officer B. Cross gave a background summary on the case.
- The applicant explained his reasons for requesting the variance.
- Chair J. Young closed the public hearing.
- 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;"
- The Board answered the findings questions as follows:

**VILLAGE OF CAYUGA HEIGHTS ZONING BOARD OF APPEALS RESOLUTION
ADOPTED ON (JUNE 6, 2016) FOR APPEAL NO.2016-5**

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 the replacement of an existing fence with a new 6' fence at approximately 2.5' from the front property line (Devon side), and to allow an existing pool house to remain at approximately 15' from the same property line, which are less than 25' required by the Village of Cayuga Heights Zoning Section 6: Yard Requirements. The property in question is known as 212 Hanshaw Road (see attached map) tax map # 12.-1-3; and

- B. On June 22, 2016 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 June 22, 2016 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)(12), 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 review under SEQR; and
- D. On June 22, 2016 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: The variance would allow replacement of the existing fence and allow the existing pool house to remain.

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: To avoid a variance, the pool house would need to be moved and a compliant fence would not secure the pool as completely.

Whether the requested area variance is substantial.

Finding:

YES NO _____, because: The setback is 2.5' rather than the required 25', however, only a small portion of the fence is affected.

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 applicant is maintaining existing conditions.

Whether the alleged difficulty was self-created.

Finding:

YES _____ NO because: The applicant is trying to maintain existing conditions.

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 the relief sought 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 the replacement of an existing fence with a new 6' fence at approximately 2.5' from the front property line (Devon side), and to allow an existing pool house to remain at approximately 15' from the same property line, which are less than 25' required by the Village of Cayuga Heights Zoning Section 6: Yard Requirements.

Conditions of Variance:

- 1) The fence and pool house remain substantially the same.
- 2) The existing vegetation remains substantially the same.

The vote on the foregoing motion was as follows:

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

NAYS:

The motion was declared to be carried.

- Chair J. Young informed the applicant there is a 30 day timeframe in which someone could file for an appeal of the Board's decision.

5. New business

- Code Enforcement Officer B. Cross informed the Board he currently does not have any variance applications to present in July.
- The Board discussed with Attorney R. Marcus how an appeal of a Board decision on a case might be processed.

6. Adjourn

- Meeting adjourned at 9:02 pm.