

Village of Cayuga Heights Zoning Board of Appeals
Meeting
Monday, August 7, 2017
Village Hall – 7:00 pm
Minutes

Present: Chair J. Young, M. Eisner, R. Parker, S. Manning
VCH Code Enforcement Officer B. Cross, VCH Deputy Clerk J. Walker
Attorney R. Marcus
Planning Board Chair: F. Cowett
Holt Architects: T. Covell
Corners Community Shopping Center: T. Ciaschi
B. Warren
J. Kimball

Absent: M. Pinnisi

Item 1-- Meeting called to order

- Chair J. Young opened the meeting at 7:10
- Chair J. Young informed the Board the first order of business is to appoint M. Eisner, alternate member, to serve as a voting member for tonight. -Chair Young did so.

Item 2 --Approval of June 5th 2017 Minutes

RESOLVED, that the reviewed minutes of the June 5th 2017 meeting are hereby approved.

Motion to approve: R. Parker **Second:** M. Eisner

Aye Votes: J. Young, R. Parker, S. Manning and M. Eisner

Item 3 – Public Comment – No members of the public wished to comment

Item 4 –Variance Application

903-909 Hanshaw Rd. –Appeal to remove condition # 4

A cross-access agreement must be made between the Corners Community Shopping Center and Carriage House Apartments to allow mutual access between Corners Community Shopping Center and Carriage House Apartments and ultimately to Pleasant Grove Road for emergency and other use in a form that is acceptable to the Village’s attorney.

- Building permit still cannot be issued until this condition is satisfied, T. Ciaschi would like the Board to consider removing condition # 4
- The issue that is related to tonight is related to lot coverage, and additional traffic resulting from the granting of a variance to extend the already extended lot coverage.
- Several months of communication with the owners of Carriage House Apartments has resulted in no written agreement.
- T. Ciaschi will commit in writing that his property will keep open the driveway to the Carriage House parking lot.
- T. Votaw exhibits the final site plan map showing a 2 lane access driveway to Pleasant Grove Rd. and the existing Carriage House drive still open and preserved.
- R. Parker asked whether Carriage House pass through will remain at 18 ft.
- Chair questioned the original traffic study and moving the existing Pleasant Grove Rd. driveway entrance.
- Chair J. Young calls a 5 minute recess for T. Ciaschi to review and think about the P. Sarkus letter stating he will sign a document to keep the pass-thru open. *Attached
- T. Ciaschi would like to continue with request and seek relief of condition #4
- R. Marcus states he is willing to evaluate a document to determine whether or not the condition has been satisfied.
- M. Eisner asked about accident history of that intersection. B. Cross states that it is not rated as a dangerous intersection.

Chair J. Young opens the Public Hearing at 7:55

A member of the public asked about the pedestrian safety, and how pedestrians would access the medical offices. The developer pointed out that sidewalks are provided in the site plan, and it was acknowledged that there are sidewalks for them to use around the entire perimeter owned by the Village.

Chair J. Young closes the Public Hearing at 7:56

The Planning Board has completed SEQR process: The Zoning Board will refer back to the 5 responses listed below and determine if any changes are needed:

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: Among the materials reviewed by the ZBA were relevant segments of the traffic study prepared by the applicant's traffic engineer and the review of that study prepared by the traffic engineer engaged by the Village Planning Board. Although some detriment to Village residents and to nearby properties may be created by increased traffic, it appears that the increase in traffic resulting from this project will not be a significant increase above current levels.

YES___ NO X

Same Finding Holds 8/7/17

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: Because the e subject property is already developed to the full extent of the lot coverage permitted by the Village’s Zoning Ordinance, and as expanded by an area variance to lot coverage requirements previously granted by the Village’s Zoning Board of Appeals, the benefit the applicant wishes to achieve cannot be achieved without a variance. The applicant could build the proposed building without the necessity of obtaining this lot coverage variance, but that would require the applicant to demolish additional existing building(s). Otherwise, the project would not achieve the applicant’s programmatic goals.

YES___ NO X

Same Finding Holds 8/7/17

Whether the requested area variance is substantial.

Finding: The requested variance is substantial. The lot coverage is being increased from the current 17.18% to 20.64%, an increase of 20.14%. The proposed lot coverage is a 37.60% increase from the 15% lot coverage that the current Zoning Ordinance permits.

YES X NO___

Same Finding Holds 8/7/17

Whether the proposed area variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Finding: because for all of the reasons stated in the Short Environmental Assessment Form (SEQR) completed by the Village of Cayuga Heights Planning Board, this Board has determined that the proposed variance, while possibly having a small adverse effect or impact, will not have a significant adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

YES___NO X

Same Finding Holds 8/7/17

Whether the alleged difficulty was self-created.

Finding: because the alleged difficulty is self-created by the applicant's desire to build the proposed building in the proposed location without tearing down additional existing building(s).

YES X NO ____

Same Finding Holds 8/7/17

RESOLVED, that Village of Cayuga Heights Zoning Board will keep condition #4 and recommends a single written agreement signed by both parties to allow pedestrian and vehicular traffic to cross both properties.

Motion to approve: R. Parker **Second:** S. Manning

Aye Votes: J. Young, R. Parker, S. Manning and M. Eisner

620 Cayuga Heights Rd:

- J. Young asked B. Warren if he was ready to proceed with this appeal. B. Warren stated Yes.
- R. Marcus explained a provision of law that would require the Planning Boards comment and recommendation to the Zoning Board. The Zoning Board hearing in June has no legal standing.
- B. Cross states the Planning Board has officially communicated to the Zoning Board the recommendation to grant the variances.
- B. Warren confirms there is no intent to tear down or add on. The real estate market has high demand for smaller houses.
- The Board references N. Saccamano's letter * Attached
- R. Marcus read the approved conditions from the June meeting to the Board.
- M. Eisner asks for more conditions on lower lot
- Future Owners would have to come and request a variance for changes.
- Sewer line location practically eliminates the ability to make any change to expand the existing structure.

Chair J. Young opens the Public Hearing at 8:35

B.Cross states the Planning Boards recommendation is to grant the variances.

Chair J. Young closes the Public Hearing at 8:38

The Zoning Board will refer back to the 5 responses listed below and determine if any changes are needed:

1st Parcel considered (Sunset Lot)

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.

Findings: The proposed lot is not deficient in area, only in depth (it would be conforming if turned 90 degrees). However restrictions on the number of dwelling units permitted on this property and location will help preserve the character of the neighborhood.

YES ___ NO X

Same Finding Holds 8/7/17

Whether the benefit sought by the applicant can be achieved by some other method, feasible to the applicant to pursue.

Findings: The owner is planning to sell the lower (westerly) property.

YES ___ NO X

Same Finding Holds 8/7/17

Whether the requested area variance is substantial.

Findings: 20 ft. is substantial, the fact that each newly subdivided lot could be developed with a second structure also makes the result substantial. Limiting the use of the newly subdivided lot would mitigate that result.

YES X NO ___

Same Finding Holds 8/7/17

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Findings: There is sewer and water already present at both buildings.

YES ___ NO X

Same Finding Holds 8/7/17

Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Findings: The applicant seeking the variance wants to sell one property and rent the other.

YES X NO ___

Same Finding Holds 8/7/17

Motion to approve: S. Manning **Second:** M. Eisner

RESOLVED, that Village of Cayuga Heights Zoning Board of Appeals hereby grants the requested area variance, subject to the conditions that (a) the lot be improved with no more than one primary dwelling unit and that one dwelling unit cannot be occupied by more than 2 unrelated persons or a single family, and that no development can take place within 75 ft. of southerly lot line and (b) the subdivision occurs in accordance with the plans and to the specifications presented in the application.

Ayes: J. Young, S. Manning, M. Eisner

Opposed: R, Parker

The Zoning Board will refer back to the 5 responses listed below and determine if any changes are needed:

2nd Parcel considered (Cayuga Heights Rd)

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.

Findings: The proposed lot is not deficient in area, only in depth (it would be conforming if turned 90 degrees). However, restrictions on the number of dwelling units permitted on this property will help preserve the character of the neighborhood.

YES ___ NO X

Same Finding Holds 8/7/17

Whether the benefit sought by the applicant can be achieved by some other method, feasible to the applicant to pursue.

Findings: The owner is planning to sell the lower (westerly) property.

YES ___ NO X

Same Finding Holds 8/7/17

Whether the requested area variance is substantial.

Findings: 15 ft. is substantial, the fact that each newly subdivided lot could be developed with a second structure also makes the result substantial. Limiting the use of the newly subdivided lot would mitigate that result.

YES X NO ___

Same Finding Holds 8/7/17

Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Findings: There is sewer and water already present at both buildings.

YES ___ NO X

Same Finding Holds 8/7/17

Whether the alleged difficulty was self-created; which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.

Findings: The applicant seeking the variance wants to sell one property and rent the other.

YES X NO ___

Same Finding Holds 8/7/17

RESOLVED, that Village of Cayuga Heights Zoning Board of Appeals hereby grants the requested area variance, subject to the conditions that the lot be improved with no more than one primary dwelling unit and that one dwelling unit cannot be occupied by more than 2 unrelated persons or a single family, and that the subdivision in accordance with the plans and to the specifications presented in the application.

Motion to approve: M. Eisner **Second:** S. Manning

Ayes: J. Young, S. Manning, M. Eisner

Opposed: R. Parker

ITEM 5-- New Business- None

Note: September 4, 2017 – No meeting (Labor Day)

Motion to Adjourn: R. Parker **Second:** S. Manning

Ayes: J. Young, S. Manning, R. Parker, and M. Eisner

Opposed: None

ITEM 6-- Adjourn 8:58 p.m.