

Village of Cayuga Heights Zoning Board of Appeals
Meeting
Monday, May 1st 2017
Village Hall – 7:00 pm
Draft Minutes

Present: Chair Jack Young, M. Eisner, R. Parker, D. Rutherford,
VCH Code Enforcement Officer B. Cross, VCH Deputy Clerk J. Walker
Attorney R. Marcus

Item 1-- Meeting called to order

- Chair J. Young opened the meeting at 7:10 pm.
- Absent are S. Manning and M. Pinnisi
- 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.

Item 2 -- Oath of Office

Deputy Clerk Walker administered the Oath of Office to the Board members.

Item 3 --Approval of November 7th 2016 Minutes

RESOLVED, that the written, reviewed & revised minutes of the November 7th 2016 Meeting are hereby approved.

Aye votes – Chair J. Young, R. Parker, M. Eisner, D. Rutherford
Opposed – None

Item 4 -- Public Comment

Village resident Kathy Hopkins in attendance to observe

Item 5 – Variance Application

A. Privacy Fence: 107 Oak Hill Place, Ithaca, N.Y. 14850

J. Young recused himself from participating in this matter, as he and his wife are the applicants. The acting Board members present voted to appoint M. Eisner as Chair of this meeting.

Aye votes – R. Parker, M. Eisner, D. Rutherford
Opposed – None

Public Hearing Opened.

No Members of the public wished to speak. The board took note of the following points.

- a. Fence is allowed height but the variance is required due to the location of the fence within the required setback.
- b. Both properties on either side of the proposed fence are owned by the applicant.
- c. There would be no need for a variance if both parcels were combined into one. If ever the two parcels were combined into a single parcel, any subsequent subdivision of the two would then require subdivision approval from the Planning Board, as well as a variance such as the variance requested tonight.
- d. The adjacent 105 Oak Hill Place property just sold and M. Eisner had a conversation with the new owner and she was aware of the application and didn't have a comment on the issue.
- e. B. Cross states the notice of the public hearing was sent out to all property owners as required.

Acting Chairman Eisner closed the Public Hearing.

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

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 weighted against the detriment to the health, safety and welfare of the neighborhood or community by such grant;

THE ZONING BOARD then considered each of the five required questions, and made the findings stated following each below.

Whether and 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:

There was no objection presented by anyone. There are properties surrounding the applicants' properties with privacy fences already. Erecting the fence in the proposed location will have no visual impact on others. No objection was presented by anyone.

YES _____ /NO X _____

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

Findings:

Applicant owns both parcels on either side of the proposed fence. Plants are not an option to provide the intended screening from one property to the other. No objection was presented by anyone.

YES _____ /NO X _____

Whether the requested area variance is substantial.

Findings:

The variance is substantial; however, no objections were presented.

YES X /NO _____

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

Findings:

There are existing fences already, and they are not connected, animals can move freely and there is no concern.

The proposed fence is more attractive than others and will enhance the visual quality of the area.

YES _____ /NO X _____

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 of the variance.

Findings:

The applicant is seeking privacy that a fence in this location can provide, and the difficulty was not self-created.

YES / NO **X**

Motion by M. Eisner

Seconded by R. Parker

RESOLVED, that Village of Cayuga Heights Zoning Board of Appeals hereby grants the requested are variance, subject to the condition that the fence be erected substantially in accordance with the plans and to the specifications presented in the application.

Aye votes – R. Parker, M. Eisner, D. Rutherford

Opposed – None

Item – 6 New Business

Code Officer Cross indicated that Zoning Board Member S. Manning will most likely resign her position on the Board due to work conflicts. J. Young will advise Mayor L. Woodard of the likely vacancy.

Item – 7 Adjourn 7:50 p.m.

