

Village of Cayuga Heights Zoning Board of Appeals  
Meeting  
Tuesday September 5<sup>th</sup>, 2017  
Fire Station – 7:00 pm  
Minutes

Present: Chair J. Young, M. Eisner, R. Parker, L. Staley  
Code Enforcement Officer B. Cross, Deputy Clerk J. Walker  
Attorney R. Marcus

**Item 1-** Meeting called to order

- Chair J. Young opened the meeting at 7:13 p.m.
- 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 August 7, 2017 Minutes

**RESOLVED**, that the reviewed minutes of the August 7, 2017 meeting are hereby approved.

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

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

**Abstained:** L. Staley – Not present for the August 7, 2017 meeting

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

**Item 4** -Variance Application

Request by Gregory Hubbell (owner) of 120 Warwick Place (tax parcel 4-2-2), to allow the construction of a new 1 story addition to be located within 21.2' from the front property line (Warwick), which is less than the 25' required by Village of Cayuga Heights Zoning Ordinance Section 6: Yard Requirements.

-B. Cross states this property is a corner lot, and therefore the Zoning Ordinance treats the property as having 2 front yards. The addition will be located in what physically appears to be the side yard, and construction will not likely have impact on the traffic sight distance at this corner.

Chair J. Young opens the Public Hearing at 7:19 p.m.

- Resident C. Scheele, submitted an email, B. Cross confirmed her comments were to reflect her concern not so much on how big the addition would be, but how close the new addition would be to the road.
- R. Parker understands C. Scheele concern, the home has the appearance of being too close to the road. Most houses in the neighborhood had deep front yards and this one does not.
- M. Eisner asked where the paved road was located within the Village right of way.
- L. Staley asked if the trees will remain, G. Hubbell stated they will keep the trees.
- M. Eisner asked if there were any additions made before. G. Hubbell replied, not to his knowledge. G. Hubbell clarified that this addition is a one-story addition and roughly 15 Square feet into the required setback.
- The Board reviewed the architectural plans of the addition.

Chair J. Young closes the Public Hearing at 7:30 p.m.

In accordance with Article 8 of the New York State Environmental Conservation Law – the State Environmental Quality Review Act (SEQR), and specifically 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;

In accordance with Section 712-b of the Village Law of the State of New York and Village of Cayuga Heights Article IX, section #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 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: It is not the entirety of the addition that encroaches over set back line, it is just a corner of it (approximately 15 sq. ft.). With 2 front yards, the set back is different than a normal lot, if this were not a corner lot, the addition would be well within the setback required for a side yard.

YES NO X

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: The utility installations prevent the ability to move the addition back and avoid the set-back violation. Changing the shape and moving the location would increase the overall cost considerably.

YES X NO

Whether the requested area variance is substantial.

Finding: 15 Square feet of area in the setback is not substantial.

YES NO X

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

Finding: The owner is not removing any trees, and sight lines for traffic are not affected. The current location is on the flattest part of the property.

YES NO X

Whether the alleged difficulty was self-created.

Finding: The owner has stated the intent of the addition is for his father.

YES X NO

**RESOLVED**, that Village of Cayuga Heights Zoning Board grants the variance as requested in the application submitted by Gregory Hubbell (owner) of 120 Warwick Place (tax parcel 4-2-2), to allow the construction of a new 1-story addition, built substantially as proposed in accordance with the plans and the specifications presented in the application.

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

**Aye Votes:** J. Young, R. Parker, M. Eisner and L. Staley

**Item 5-** New Business: None

**Item 6-** Adjournment: 7:42 p.m.