



ZONING BOARD OF APPEALS

December 2, 2024

Zoom Link ID 4118425407

Present: ZBA Chair: L. Staley, Members: R. Parker, S. Barnett, M. Tate, D.Szpiro; Deputy Clerk A. Jacot; Applicant G. Tamborelle, along with Architect, E. Patrina

Zoom: Code Enforcement Officer B. Cross, Attorney R. Kawecki, Mayor L. Woodard, Deputy Clerk K. Perkins

Absent: Member: M. Friend

1. **Call to Order-** ZBA Chair, L. Staley calls the meeting to order at 7:00 p.m.

2. ZBA Chair, L. Staley appointed alternate member, D. Szpiro as a voting member due to the absence of M. Friend.

Motion: L. Staley

Second: S. Barnett

Ayes: R. Parker, M. Tate, S. Barnett

Nays: None

Abstentions: None

3. **Approval of Meeting Minutes:** June 3, 2024

BE IT RESOLVED THAT: The Village of Cayuga Heights Zoning Board of Appeals approves the June 3, 2024, minutes as presented.

Motion: R. Parker

Second: M. Tate

Ayes: L. Staley, R. Parker, M. Tate and S. Barnett

Nays: None

Abstentions: D. Szpiro

Motion Carried

4. **Public Comment-** No members of the public wish to speak.

5. **Variance Request-** ZBA Chair, L. Staley introduced the 408 Klinewoods Rd. variance application case to the public and explained the lawful procedural order in which the meeting will be conducted.



Code Enforcement Officer B. Cross was asked to describe the reason(s) for which the application was denied.

Code Enforcement Officer B. Cross explained that the application is for an area variance for a rear yard setback. The proposed setback would be at 6.1' from the property line. He said there is an existing structure that is already too close to the property line at 6.9'. The existing structure preexisted the 1953 enactment of the Village Zoning Ordinance. Therefore, it is a preexisting, nonconforming allowed condition. The more commonly used term would be "grandfathered". Otherwise, all aspects of the existing property are compliant. So the subject of tonight's review is specifically to come to a conclusion whether to approve or disapprove the proposed 6.1' setback for the new construction.

Code Enforcement Officer B. Cross said there is one more aspect that was not written into the report (asks for Attorney R. Kawecky to correct him if he is saying it incorrectly) that the proposed action tonight is classified as a SEQR Type 2 Action under section 617.5C17. Code Enforcement Officer B. Cross would like this reflected into the minutes.

ZBA Chair, L. Staley stated we should acknowledge there is no 239M review because the property is not within 500' of another municipality boundary.

The applicant's architect, E. Patrino, shared her screen showing maps of the property, with existing structures as well as the proposed new addition which will be 8.9' x 6'. She then shared the proposed layout and explained that this could potentially become a master suite to allow the homeowners to age in place. E. Patrino then showed an image from Google Maps and explained how, with the density of the woods and its position on the site, it will not be seen by neighbors or passers by.

Member S. Barnett asked to see again the map which shows the addition in reference to the property line. A conversation ensued between S. Barnett, R. Parker, M Tate and E. Patrino over the lines on the map and current "grandfathered" setback.

ZBA Chair, L. Staley asked Code Enforcement Officer B. Cross if any neighbors had sent in letters or contacted him with any comments. He answered that they did not.

Code Enforcement Officer B. Cross stated as an observation that at least one or two of the property sides are adjacent to village owned property. Therefore, the amount of exposed sides exposed to private residences is less than normal.

ZBA Chair, L. Staley opens the Public Hearing at 7:14p.m.



ZBA Chair, L. Staley stated that there are no members of the public asking to speak therefore, she will close the Public Hearing at 7:14p.m.

The Village of Cayuga Heights Zoning Board of Appeals hereby makes the following findings with respect to the criteria for an area variance as set forth in Village Law of the State of New York Section 712-b and Village of Cayuga Heights Zoning Ordinance Section 21:

1. 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 addition will not be visible from Klinewoods Rd. The closest house cannot see much through the dense woods. The addition stays within the character of the home and neighborhood. The roofline stays the same as the rest of the house. No neighbors objected.

Determination: YES _____ NO

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance.

Findings:

The existing structure is already over the setback and grandfathered in. Any alternative location would not allow them to accomplish their goal of using the addition in the future to age in place and would be expensive and potentially more visible.

Determination: YES _____ NO

3. Whether the requested area variance is substantial.

Findings:

Yes, 6' out of 15' is a substantial encroachment on the setback. BUT, given the lot size, 6' out of the 155' property line is only a tiny portion.

Determination: YES NO _____



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

Findings:

No trees will be removed. The area of the addition is already paved as a portion of the driveway. The addition will improve the current drainage around the house. It will not affect wildlife passage.

Determination: YES _____ NO

5. Whether the alleged difficulty was self-created.

Findings:

They do not “have” to build the addition.

Determination: YES NO _____

Motion made to approve variance is as follows:

WHEREAS: At its regular meeting on December 2, 2024, the Village of Cayuga Heights Zoning Board of Appeals has considered the application of 408 Klinewoods Road for an area variance for a (tax parcel 5-4-15.2), to build a new addition on the back of the house within 6.1’ of the rear property line, which is less than the 15’ required, by the Village of Cayuga Heights Zoning Ordinance Section 305-19.A,2: Yard Regulations.

WHEREAS: The Zoning Board of Appeals has conducted a public hearing at its December 2, 2024 meeting to seek comments from the public, and

WHEREAS: The Zoning Board of Appeals has determined that this variance request is a Type 2 action under SEQR by virtue of section 617.5C 17, Granting of An Area Variance for a Single Family. The Zoning Board has reviewed the SEQR Short Environmental Assessment Form in accordance with said regulations, and the Zoning Board has made a determination of no significant negative environmental impacts, now, therefore,

BE IT RESOLVED THAT: The Zoning Board of Appeals has made findings in accordance with NYS Village Law 7-712-b(3)(b) and Village of Cayuga Heights Code Section 305-132(E)(2)(b), and the Zoning Board has determined that the benefit to the applicant if the variance is granted is greater than the detriment to the health, safety and welfare of the neighborhood or community; and



BE IT RESOLVED THAT: The Zoning Board of Appeals grants the Area Variance requested by Architect Emily Patrino and Owner, George Tamborelle, at 408 Klinewoods, to be built substantially as proposed.

Motion: R. Parker

Second: S. Barnett

Ayes: L. Staley, R. Parker, M. Tate, S. Barnett & D. Szpiro

Nays: None

Abstentions: None

Motion Carried

5. New Business: No new business at this time.

6. Adjournment: ZBA Chair, L. Staley, adjourns the meeting at 7:28 p.m.