

**Village of Cazenovia  
Zoning Board of Appeals  
Meeting Minutes  
January 19, 2016**

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Present: Phil Byrnes, Chair; William Keiser; Jane Nicholson-Dourdas; and Sally Ryan; and Lynn Hart.

10 Others present: Eric Lints, Tom Kelly.

P. Byrnes called the meeting to order at 7:00 p.m. and introduced the Board.

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P. Byrnes asked for any changes to the minutes of December 29, 2015. There were none noted. P. Byrnes made the motion to approve the minutes as submitted. J. Nicholson-Dourdas seconded. The motion carried with 5 in favor, 0 opposed.

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**Cazenovia Hospitality, Sign for Hampton Inn by Hilton**

P. Byrnes stated that Madison County Planning Department’s comments had been received and they returned it for local determination. The County’s comments summary: No county or municipal impact will result from the placement of a large business identification sign on the hotel currently under development in the Village Edge South zone. The proposed 2-foot, 10-inch by 25-foot, 6-1/2-inch Hampton Inn and Suites sign is proposed to be placed at the top of the north side of the building. It is 47 feet from the ground, requiring a 27-foot variance per Section 180-117(c)14, which states that no building mounted sign should extend more than 20 feet above the ground. When determining whether relief will be granted, the Board is required to only grant the minimum variance it deems necessary and adequate, while at the same time preserving and protecting the character of the neighborhood. The impact of signage at this height to the viewshed along Route 20, a State designated scenic byway, must be considered. In addition, the Village Edge South design guidelines should be consulted to ensure that this type of signage is in line with the architectural standards desired in the community, consistent with the human scale strongly favored in the digital preference survey completed by the Village for the area. The precedent set for future development in this area, now largely vacant, should also be considered, as it will set the tone for future signage decisions. The County assumes the sign will have no illumination, as illuminated signs are prohibited, except in Village Edge North per 180-117(c)4.

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At its December 29, 2015, meeting the ZBA had a draft resolution: *The ZBA grants a variance not to exceed 27 feet. The letters shall not exceed 47 feet in height from the ground to the top of the letters. The granting of this variance is contingent upon Madison County Planning Department review and comments. The detriment, if any, is outweighed by the benefit to the applicant for the purpose of identifying the business.* The motion was made by J. Nicholson-Dourdas and was seconded by W. Keiser. A roll call vote was conducted at that time. All four ZBA members in attendance voted in favor.

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50 P. Byrnes asked for any discussion on Madison County Planning Department’s comments. There  
was none. P. Byrnes called for a ratification vote of last month’s resolution. A roll call vote was:  
S. Ryan aye, W. Keiser aye, L. Hart aye, J. Nicholson-Dourdas aye, P. Byrnes aye. The variance  
was granted.

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55 **Thomas and Meghan Kelly, 53 Sullivan Street, Tax Map 94.36-1-4, Side Yard Variance**  
P. Byrnes read the public notice aloud and opened the public hearing. Tom Kelly and Eric Lints  
came forward. Mr. and Mrs. Kelly would like to construct a garage, but as proposed the garage  
would be within 5 feet of the southerly sideline of the lot. Section 180-24G(2) of the Village Zoning  
60 Code requires a 10-foot side yard setback. Therefore, a side yard variance is requested.

Mr. Kelly explained that the current driveway is on the north side of the property. He is proposing  
to move the driveway. Mr. Lints added that there are existing trees, existing breaks in the granite  
curb, and existing mounding around the house. He would like to work around those existing  
65 features.

Mr. Kelly gave reasons why the garage (barn) should be located where proposed. Barns built in the  
mid to late 1800s were commonly built on or even over the property line. So this is in keeping with  
that time period. This will not be on the property line, but 5 feet from the property line.  
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P. Byrnes inquired if the existing fence would be removed. Mr. Kelly answered that the existing  
fence would be used but would be reconfigured to include the pool. The fence was installed five  
years ago and is already pool code.

75 P. Byrnes inquired if the neighbors had been contacted. Mr. Kelly said he had spoken with Nate and  
Kate Franz, neighbors to the south, and they are all for it. He presented an email from them stating  
their support for the project.

Mr. Lints stated that if the garage was on the north side of the property, it would cast a shadow onto  
80 the neighbor’s property. Being on the south side, it would only cast a shadow onto their own  
property. There will be no lighting impact on the southern neighbor. If the garage was moved  
5 feet, it would start to encroach on the pool space and the pool would need to be turned in the other  
direction. They want to keep the pool close to the house. The pool installation will be part of the  
garage project.  
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P. Byrnes asked if anyone had any further questions. Hearing none, he made the motion to close the  
public hearing. J. Nicholson-Dourdas seconded. The motion carried with 5 in favor, 0 opposed.

P. Byrnes explained the five criteria the Board must discuss when considering a variance.  
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1. *Will an undesirable change be produced in the character of the neighborhood or will a  
detriment to nearby properties be created by the granting of the area variance?* All five  
members answered no. The neighbors have no issue with the project. From an historic  
standpoint, typically a building of this nature would have been in the approximate vicinity.  
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2. *Could the benefit sought by the applicant be achieved by some method, feasible for the applicant to pursue, other than an area variance?* All five members answered no.

100 3. *Is the requested area variance substantial?* All five members answered yes, it is substantial, but it won't make a difference. This is an R-20 zone. The zoning calls for side yard setbacks of 10 feet and the request is for a setback of 5 feet.

105 4. *Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district?* All five members answered no.

5. *Is the alleged difficulty self-created?* All five members answered yes.

P. Byrnes commented that there is no County impact on this application.

110 P. Byrnes declared this a Type II action under State Environmental Quality Review (SEQR) with a negative declaration.

115 J. Nicholson-Dourdas made the motion to approve a side yard variance not to exceed 5 feet since there will be no undesirable change in the neighborhood and no adverse physical or environmental impact. S. Ryan seconded. The motion carried with 5 in favor, 0 opposed.

120 W. Keiser stated he had spoken with the Village Department of Public Works. There is a 14-foot right-of-way that contains an 11-inch sewer main. It is on the Franz property. Bill Carr, Codes/Zoning Enforcement Officer does not think it is operational. Nate and Kate Franz were not aware of it. This has no bearing on the Kelly garage variance.

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125 P. Byrnes alerted Board members about an item coming before the Historic Preservation Committee (HPC) and then probably to the ZBA. It is a porch on Lincklaen Street. A tentative date of February 23, 2016, was decided upon in case the application does come before the ZBA.

130 P. Byrnes made the motion to adjourn the meeting. S. Ryan seconded. The motion carried with 5 in favor, 0 opposed. The meeting was adjourned at 7:23 p.m.

Respectfully submitted,

135 Marlene A. Westcott  
Recording Secretary