

**Village of Cazenovia
Zoning Board of Appeals
March 24, 2014**

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

Others present: Gerard Romagnoli.

10 P. Byrnes called the meeting to order at 7:00 p.m.

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15 P. Byrnes asked if anyone had any additions or corrections to the minutes of March 10, 2014. H. Hart suggested that Line 42 be changed to read: It appears that this fence would be in a wooded area.

20 P. Byrnes asked to have Line 70 changed: P. Byrnes said that he does not have a problem with letting the applicant step the fence down if they would like to.

H. Hart asked to have his name added to his dissenting comments. Therefore, Line 84 was changed to read: H. Hart believes that an 8-foot high fence would be a detriment.

25 Line 95 was changed to read: H. Hart believes the taller fence would have an adverse impact.

P. Byrnes made the motion to approve the minutes as amended. S. Ryan seconded. The motion carried.

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Gerard and Ellen Romagnoli, 61 Forman Street, Area Variance for Fence.

35 Gerard Romagnoli came forward and gave some background. He had applied for a fence permit in November 2013 and got a permit for a 6-foot fence. The contractor came out and reviewed the layout of the fence. The contractor recommended making a variation from 6 feet to 8 feet where the land dips so it would be a more aesthetically pleasing look for the top of the fence and would take into account the drop in the lawn. Mr. Romagnoli was advised by the Zoning Enforcement Officer to apply for a variance with the ZBA.

40 Mr. Romagnoli stated that as the fence comes across (measuring from the far east end—the Edwards property), there will be a break somewhere between 0 feet and 100 feet just to keep the top of the fence at 6 feet as much as possible until the land dips down. In the lowest spot there is about 15 feet in the swale area. There would be about a 10-foot variation coming into it where it is going from 6 feet to 8 feet. Then coming out it will run out at 8 feet. The reason for it is the
45 recommendation of the builder.

W. Keiser observed that by the grade of the topography, the suggestion of stepping it down probably would not work. Probably about 60% of it would be at about the same level.

Mr. Romagnoli estimated that about 35 feet would be something other than 6 feet.

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W. Keiser noted that to step the fence, it wouldn't be equal steps or gradual or in proportion. He can understand why the contractor suggested it.

S. Ryan inquired if the 8 foot height would allow the fence to be level. Mr. Romagnoli answered that it would vary. It would start at 6 feet and then the slats would vary and change to 8 feet.

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P. Byrnes reminded Mr. Romagnoli that the fence height is measured at the top of the fence post—not the slats.

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H. Hart noted that the sketch shows the fence at 8 feet high at the western border. Mr. Romagnoli replied that is correct because the land continues out pretty much level. The fence would start at 6 feet, then go to 8 feet and continue on.

S. Ryan requested clarification if there would be two sections of fence with some being 6 feet and some being 8 feet or if they would vary and follow the curve of the land. Mr. Romagnoli answered that they will vary from 6 feet to 8 feet with the tops of the posts never being over 8 feet and hopefully following the curve of the land.

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Mr. Romagnoli mentioned that his sketch is not to scale and he continued to describe the heights and location of the fence by pointing to the sketch.

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P. Byrnes hypothesized that the variance is probably going to be considerably more than 35 feet, closer to 45 feet, and possibly more. Mr. Romagnoli agreed with the hypothesis.

P. Byrnes questioned if the fence would be on an angle in the corner. Mr. Romagnoli answered yes. He intends to have access to the condos next door and that is the easiest place to put a gate for access.

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H. Hart posed the question: Will the top of the fence be level or will it be in steps?

Mr. Romagnoli responded that the fence will not be in steps but will reflect the slant and contour of the ground. The top of the fence will be level with the ground so it is aesthetically pleasing.

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H. Hart asked if the fence would taper from 8 feet to 6 feet and over what distance. Mr. Romagnoli supposes it would be around 10 feet.

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P. Byrnes asked if the fence would be in panel sections. Mr. Romagnoli said the fence would be custom built.

H. Hart commented that since the drawing is not to scale, it is very difficult to tell exactly how much of a variance is needed.

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Mr. Romagnoli offered to get a topographic survey for the Board. P. Byrnes said the Board may need it to determine how much of a variance would be needed.

95 P. Byrnes referred to a note received from Mr. Stokes, the Village Attorney, in which he lists certain requirements; a drawing from the applicant that shows specific linear footage, specific lengths where the fence will be over 6 feet, specifically how high the fence would be, and all such areas where it would be over 6 feet.

100 Mr. Romagnoli suggested putting on the sketch a point where the fence would start at 8 feet high and then be variable until it reaches 6 feet in height.

H. Hart pointed out that the Board would still need to know the length of fence for which the variance is requested.

105 P. Byrnes urged Mr. Romagnoli to provide a scale drawing for the record so the Board knows exactly how many linear feet of fence would need a variance.

110 Mr. Romagnoli stated that he would like to have the fence installed in the first part of spring, possibly April or May.

W. Keiser inquired if the contractor is aware of the sewer trunk line. Mr. Romagnoli answered yes and that Underground Facilities Protective Organization (UFPO) would be contacted.

115 P. Byrnes commented that it would be beneficial for the Board to have the easement appear on the sketch.

P. Byrnes asked Mr. Romagnoli if he had talked with his neighbors about the fence. Mr. Romagnoli said that he has not.

120 W. Keiser pointed out a potential problem: If the neighbors, Mr. and Mrs. Sellers, wanted to put up a fence, would they want to adjoin the fence at the 8-foot height?

P. Byrnes concluded that the Board really cannot proceed without the specifications.

125 H. Hart commented that possible alternatives had been discussed. One alternative was to make the fence shorter than 6 feet on the east end. Another alternative was to fill in the land so it is less of a gully. Mr. Romagnoli said he does not want to change the drainage patterns. That drains down to a swale that drains the side of his yard.

130 P. Byrnes recommended that the hearing be adjourned until the Board can review the scale drawing and other specifications.

135 S. Ryan recommended that Mr. Romagnoli speak to his neighbors and possibly have them attend the meeting to give their input.

W. Keiser questioned whose obligation it is to notify the neighbors.

140 P. Byrnes made the motion to adjourn the public hearing until such time as another one can be scheduled. H. Hart seconded. The motion carried unanimously.

P. Byrnes made the motion to adjourn the meeting. H. Hart seconded. The motion carried unanimously. The meeting was adjourned at 7:26 p.m.

145 Respectfully submitted,

150 Marlene A. Westcott
Recording Secretary