



ZONING BOARD OF APPEALS

June 3, 2024

Zoom Link ID 4118425407

Present: ZBA Chair: L. Staley, Members: R. Parker, M. Tate, D. Szpiro, Attorney R. Marcus, Deputy Clerk A. Jacot & Applicant J. Gorsky

Zoom: Code Enforcement Officer B. Cross, Attorney R. Kawecki & Mayor L. Woodard

Absent: Member S. Barnett & M. Friend

1. **Call to Order-** ZBA Chair, L. Staley calls the meeting to order at 7:03 p.m.

- ZBA Chair, L. Staley appoints Alternate D. Szpiro an acting voter, filling S. Barnett's spot.

2. **Approval of Meeting Minutes:** October 2, 2023

BE IT RESOLVED THAT: The Village of Cayuga Heights Zoning Board of Appeals approves the October 2, 2023, minutes as presented.

Motion: R. Parker

Second: M. Tate

Ayes: ZBA Chair, L. Staley Members: R. Parker, M. Tate & D. Szpiro

Nays: None

Abstentions: None

Motion Carried

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

3. **Variance Request-** ZBA Chair, L. Staley introduced the 408 E. Upland Rd. 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) in which the application for a freestanding sign permit at 408 E. Upland Rd. was denied, hence why an area variance was needed. Code Enforcement Officer B. Cross explained the current code does not allow any commercial space with 2 or less tenants to have a free-standing sign.



Attorney R. Marcus clarified a commercial space with 3 or more tenants may have a free-standing sign. The footprint of the building has no bearing, only the number of tenants.

ZBA Chair, L. Staley asked why there is a free-standing sign at the 410 E. Upland Rd property, which does not have 3 tenants.

Code Enforcement Officer B. Cross explained that in the past the property had 3 or more tenants, this is when the sign was erected. When the property was obtained by the current owner, the sign was grandfathered in. The allowance for any zoning condition runs with the property, not with the owner.

ZBA Chair, L. Staley asked if the previous free-standing sign at 408 E. Upland Rd. hadn't been torn down, would that have been grandfathered in.

Code Enforcement Officer B. Cross said "yes". Additionally explaining that if the free-standing sign at 410 E. Upland Rd. ever gets torn down, a new sign could not be erected without an area variance.

ZBA Chair, L. Staley asked Applicant J. Gorsky the comparison between the proposed 408 E. Upland Rd. sign and the free-standing sign at the neighboring property he also represents at 410 E. Upland Rd.

Applicant J. Gorsky explained the 2 signs would be almost the same, both perpendicular, same size & look. He also explained that their preference is to not put anything in the windows to diminish the character of the building. J. Gorsky says most of their traffic goes to the building at 410 E. Upland Rd.

Member R. Parker asked why a free-standing sign is needed if very little, if any, traffic will go to 408 E. Upland Rd.?

Applicant J. Gorsky says they would like to keep the two buildings uniform, to look very similar. They would like to have a nice sign out in front of both buildings. Additionally, specific departments do utilize 408 E. Upland Rd. as well as meetings sometimes take place there.

Public Hearing: ZBA Chair, L. Staley opens the Public Hearing at 7:15 p.m.

ZBA Chair, L. Staley stated there is no one present to speak; however, Code Enforcement Officer B. Cross received an email from the resident at 406 E. Upland Rd. which reads as follows.



Hi Brent

As the resident at 406 E Upland Road I wanted you to know that I have looked at the proposed sign and its location for 408 E Upland Road as presented to the Zoning Board of Appeals in the variance request. I have no objection to the proposed sign or location as presented. I would, however, like to be informed if any substantial changes are requested as to the sign or its location from the current variance request.

Thank you!

Ilene

Code Enforcement Officer B. Cross stated he had a conversation with another adjacent property owner, Joy Barr, and clarified with her, and now with Eileen, that there were no outstanding issues relative to the construction. They were both satisfied that the construction project had met their expectations.

ZBA Chair, L. Staley closes the Public Comment at 7:22 p.m.

An application to erect a free-standing sign at the above referenced address has been denied. The sign is proposed to be located on a parcel with only two businesses, which is not allowed according to the Village of Cayuga Heights Zoning Ordinance Section 305-69.8.3 Commercial Signs. The applicant is seeking an area variance to allow the sign to be installed as proposed.

Attorney R. Marcus explained the Short Environmental Assessment Form. He then asked the Zoning Board of Appeals members the 11 questions on Part 2 of the SEAF.

Part 1

Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: A variance for a free standing sign			
Project Location (describe, and attach a location map): 408 E Upland Rd Ithaca, NY 14850			
Brief Description of Proposed Action: Install a free standing sign at the entrance of 408 E Upland Rd			
Name of Applicant or Sponsor: Jeff Gorsky		Telephone: 607-272-5550	
Address: 410 E Upland Rd		E-Mail: jgorsky@swellp.com	
City/PO: Ithaca	State: NY	Zip Code: 14850	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO <input type="checkbox"/> YES <input type="checkbox"/>
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input type="checkbox"/>
			<input checked="" type="checkbox"/> <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		NA acres	
b. Total acreage to be physically disturbed?		NA acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		0.56 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply.

Shoreline Forest Agricultural/grasslands Early mid-successional
 Wetland Urban Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? NO YES

16. Is the project site located in the 100-year flood plan? NO YES

17. Will the proposed action create storm water discharge, either from point or non-point sources? NO YES
 If Yes,
 a. Will storm water discharges flow to adjacent properties?
 b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?
 If Yes, briefly describe: _____

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? NO YES
 If Yes, explain the purpose and size of the impoundment:

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? NO YES
 If Yes, describe:

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? NO YES
 If Yes, describe:

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor name: Jeff Gorsky Date: 1/5/20
 Signature: _____ Title: owner

Part 2

5. Is the proposed action, NO YES N/A
 a. A permitted use under the zoning regulations?
 b. Consistent with the adopted comprehensive plan?

6. Is the proposed action consistent with the predominant character of the existing built or natural landscape? NO YES

7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? NO YES
 If Yes, identify:

8. a. Will the proposed action result in a substantial increase in traffic above present levels? NO YES

 b. Are public transportation services available at or near the site of the proposed action?
 c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?

9. Does the proposed action meet or exceed the state energy code requirements? NO YES
 If the proposed action will exceed requirements, describe design features and technologies:

10. Will the proposed action connect to an existing public/private water supply? NO YES
 If No, describe method for providing potable water: N/A

11. Will the proposed action connect to existing wastewater utilities? NO YES
 If No, describe method for providing wastewater treatment: N/A

12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? NO YES

 b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?

13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? NO YES

 b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?
 If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____



**Short Environmental Assessment Form
Part 2 - Impact Assessment**

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Village of Cayuga Heights Zoning Board of Appeals 1/8/24
Name of Lead Agency Date

Lucy H. Staley Chairman ZBA
Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

[Signature] [Signature]
Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from Responsible Officer)

A motion that the proposed action will not result in any significant adverse environmental impacts.

Motion: R. Parker

Second: M. Tate

Ayes: ZBA Chair, L. Staley Members: R. Parker, M. Tate & D. Szpiro

Nays: None

Abstentions: None

Motion Carried



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:

Direct neighbor is not opposed. This property previously had signage approximately the same size. The new sign will match the existing sign at 410 E. Upland Rd. The proposed sign is consistent with other commercial signs around Community Corners.

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:

Yes, however, it would block the windows. It would be hard to find an appropriate location due to the amount of glass. To put it on the building it would be very low and diminish the character of the building.

Determination: YES NO _____

3. Whether the requested area variance is substantial.

Findings:

Yes, because either there is a sign or there is no sign.

Determination: YES NO _____

No, because the same sign of the same size would be permitted with no variance if there was a third tenant in the building.

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:

Referring to the SEAF, there will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

Determination: YES _____ NO



5. Whether the alleged difficulty was self-created.

Findings:

They would not need a variance if they attained another tenant. They could put the sign on the building.

Determination: YES NO

Motion made to approve variance is as follows:

WHEREAS: At its regular meeting on January 8, 2024, the Village of Cayuga Heights Zoning Board of Appeals has considered the application of 408 Upland Road, LLC for an area variance for a free-standing sign that the applicant desires to install at 408 East Upland Road; and

WHEREAS: The Zoning Board of Appeals has conducted a public hearing at its January 8, 2024 meeting to seek comments from the public, and

WHEREAS: The Zoning Board of Appeals has determined that this variance request is an Unlisted Action under the SEQRA regulations at NYCRR Section 617, the Zoning Board has reviewed the SEQRA 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 Sciarabba & Walker, LLP, as agent for 408 Upland Road, LLC, for the installation of a new free-standing sign at 408 East Upland Road (tax parcel 10-3-6), to be built substantially as proposed, with the condition that the Village Engineer must approve proper sight distance for the location and height of the sign prior to issuing a permit.

Motion: R. Parker

Second: D. Szpiro

Ayes: ZBA Chair, L. Staley Members: R. Parker, M. Tate & 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 9:06