VILLAGE OF CAYUGA HEIGHTS
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ZONING BOARD OF APPEALS
December 1, 2025

AGENDA

1. Call to Order
2. Review and Approval of September 8, 2025, Meeting Minutes
3. Public Comment
4. Variance: 515 Cayuga Heights Resolution:

Due to the applicants advising that the bedrock and other site conditions at 515 Cayuga Heights Road, Ithaca, New York, make it not feasible to construct the proposed two-story home with an exposed basement, the Board's resolution passed on September 8, 2025, granting a 33.5-foot height variance for the aforesaid project is hereby withdrawn.

The applicants will be advised that if they seek a new variance for the redesign, they will need to submit a new appeal and provide the Board with all their most recent drawings and maps upfront so that those may be provided to the public in advance of the public hearing.

5. New Business
6. Adjournment

ZONING BOARD OF APPEALS

September 8, 2025 Meeting Minutes

Present: ZBA Chair: L. Staley, Members: S. Barnett, D. Szpiro, M. Tate; Village Clerk Walker; Attorney O. Shah; Applicant Nick Schweitzer & Jessica Salerno; Lead Technical Designer Christina Gonzalez of Brotherton Construction; Village resident Alex Wood; Attorney Jim Miller

Zoom*:* Superintendent of Public Works B. Cross, Village residents; M. Pinnisi, Adam Wolkoff, Karin Hajes, Robert Isaacs

Absent: Member: R. Parker

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

2. Approval of Meeting Minutes: July 7, 2025

BE IT RESOLVED THAT: The Village of Cayuga Heights Zoning Board of Appeals approves the July 7, 2025, minutes as presented.

Motion: M. Tate
Second: D. Szpiro
Ayes: L. Staley, D. Szpiro, M. Tate
Nays: None
Abstentions: S. Barnett

Motion Carried

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

4. Variance Request of 515 Cayuga Heights Rd:

ZBA Chair L. Staley stated that an application to construct a new single-family home at 515 Cayuga Heights Road, which was presented, measures 33.5 feet in height. This is more than the 25 feet allowed by the Village of Cayuga Heights Zoning Ordinance, Section 305-18.a: Height of Building in the residential district.

Village Superintendent of Public Works B. Cross states that this lot has been in existence for many years, owned by the owner of 120 Cayuga Park Rd. When that estate was sold, the two properties were sold separately. The vacant lot, which is 515 Cayuga Heights Rd.,

was purchased by the applicant, and a site plan (as required) was submitted to the Village Planning Board.

Village Superintendent of Public Works B. Cross states that the Village Planning Board has accepted the application; however, the site plan was not concluded due to the fact that this plan exceeded the height limits allowed under the current Village Zoning Ordinance.

Village Superintendent of Public Works B. Cross states that the Village Planning Board conducted a review of SEQR and determined that this project would be classified as a Type 2 Action, with no significant environmental impact.

Village Superintendent of Public Works B. Cross states that, in review with the Village Planning Board, it was determined that the applicant would need to seek a variance for height. This is a measurement that he has to calculate the average from the lowest point of grade around the perimeter to the halfway point between the peak and the eave of the roof.

Village Superintendent of Public Works B. Cross states that this dimension is calculated as 33.5 feet. That exceeds the allowed 25 feet in our Village Zoning Ordinance. So specifically, that is what the Board will be evaluating tonight.

Village Superintendent of Public Works B. Cross states that we received information today that the applicant will be building a carport with a deck. This carport has already been previously included in the calculation for lot coverage and is within the 12 % maximum, as well as the side yard setback of 15'.

Village Superintendent of Public Works B. Cross states that, besides the number of people in attendance, he has not received any other correspondence about this proposed project.

Village Superintendent of Public Works B. Cross states that one final note to bring to everyone's attention is the question of where the water and sewer services are located. We have determined that 120 Cayuga Park Rd has a water and sewer lateral across 515 Cayuga Heights Rd. lpark'ot.

Village Superintendent of Public Works B. Cross states that he has requested that it be depicted on the site plan map for the next Village of Cayuga Heights Planning Board Meeting.

ZBA Chair L. Staley stated that we will hear from the applicant at this time.

Project designer Christina Gonzalez states that they applied for this variance because if you discount the fact that only one face of the basement that is in question, and all three other sides are subterranean underground, the rest of the house complies with the Village's 25-foot rule.

Project designer Christina Gonzalez states that the front walkout basement is the only thing that is giving the roughly extra 10 feet of height, which is being dug into the berm that is already on the lot.

ZBA Chair, L. Staley, asks if the driveway comes right up to this open basement.

Project designer Christina Gonzalez states that yes, the driveway does come up to the house, but it is cut into the grade.

ZBA Member S. Barnett states that if you look at the house from Cayuga Heights Rd., from that viewpoint, it would look like a three-story house. Any other direction, it would have the appearance of a two-story house.

Project designer Christina Gonzalez stated, Yes, that is correct. The roof angle reflects the grand atrium space that the applicants desired.

Applicant Nick Schweitzer and Jessica Salerno state that nothing else about the house is out of compliance; we just wanted to have an independent entry into the lower part of the house. The house is a two-story house from the grade; it is just a matter of whether or not we can dig down to expose that door.

ZBA Member S. Barnett inquires whether or not one would need to expose the whole face or just the door area.

Project designer Christina Gonzalez states that, according to Brent, we need to have egress. We have had plans that have the entry door on the side of the house.

ZBA Member M. Tate asks about the grade that runs up to the main entrance.

Project designer Christina Gonzalez states that the lot grades naturally to Cayuga Heights Rd., and it would be roughly ten feet from the driveway up to the main entrance.

ZBA Member S. Barnett asks if just having stairs inside that go into the basement is an option.

Applicant Nick Schweitzer and Jessica Salerno state that technically, that is an option, but we are presenting the design we desire, and we wouldn't be here asking for a variance in that case. It is also ideal as presented for family members (parents) who are staying for considerable amounts of time, to be able to just walk out of the house to the car.

Village Superintendent of Public Works B. Cross states that if there is going to be livable space in the basement, there needs to be some number of windows. Per NYS Code, there needs to be at least eight percent of the square footage of the floor area with an operable window.

ZBA Chair L. Staley stated that at this time, we will continue to take comments.

Attorney Jim Miller represents the property owners Michael Pinnisi and Paige Anderson of 516 and 520 Cayuga Heights Rd.

Attorney Jim Miller states that his clients' requests are simple: enforce the current Village of Cayuga Heights Zoning rules and do not grant a variance. This request seems to be completely self-created.

Attorney Jim Miller states that he is aware of the Zoning Board of Appeals' five questions and understands there is a balancing act. If you ask the question, Is this request substantial, the answer is yes, as my calculation shows a thirty-four percent deviation. What is the benefit? The applicant is allowed to build a new house. They can clearly comply with the zoning rules.

Attorney Jim Miller states that this is not a situation where the zoning rules prohibit the applicant from building a new house; again, they are getting that benefit.

Attorney Jim Miller states that his clients are directly to the west, and this construction is going to directly impact his view of the sun.

Attorney Jim Miller states that another area of concern is the topography, which is a fairly steep slope, and now there will be a massive new house that they have to look up at, which affects another finding: The integrity of the neighborhood. To him, that is an adverse impact, and he does not think any other house in that neighborhood violates height restrictions.

Village Superintendent of Public Works B. Cross states that almost every single house has exceeded the height restriction, which is the most common variance request in my thirty-two years with the Village. To the best of his knowledge, there have been 50-100 of this type of requested variances, and every single one of them has been granted.

Village Superintendent of Public Works B. Cross states that any homes predating the village zoning most likely exceeded. The natural layout of the Village is a hillside community.

Attorney Jim Miller states that this is why there are zoning rules, and thirty-four percent is a large number to exceed the height requirement.

Village Superintendent of Public Works B. Cross states that he is not disputing that; he is only stating that there are challenges, and he is not stating to the Board you shouldn't oppose the variance, but the statement given is not accurate.

Attorney Jim Miller states that what he is saying is that this particular neighborhood is not the case. The key factor for this Board is to apply the balancing test on new construction and follow the existing zoning laws.

ZBA Member S. Barnett states that if the house did not have a cutout for the basement door, the house would not be different and would still block the sun, so that is not an issue. There is some relevance to looking up from Cayuga Heights Rd. and seeing a three-story home versus a two-story home.

Attorney Jim Miller states that he will let his client speak to this issue.

ZBA Member D. Szpiro states that there are two issues going on at the same time: one is the height of the building, which, if the basement were not exposed, would be in compliance with the zoning requirements, so it's simply the exposure of the basement on one angle that creates the appearance of a three-story home. Is that what Mr. Pinnisi is concerned with, one angle grade of the home?

ZBA Member D. Szpiro states that the sun issue brought up earlier seems to be a distraction because the roof is not changing.

ZBA Member S. Barnett inquires about how much of this house will be visible from Cayuga Heights Rd. It is hard to imagine with all the trees there now.

Project designer Christina Gonzalez states that most of the trees will be kept.

ZBA Member S. Barnett suggests that the driveway be curved or come in at a different angle, more landscape plantings, and something to reduce the three-story look.

Project designer Christina Gonzalez states that T. G. Miller will be handling the location of the driveway and mapping of tree locations.

ZBA Member D. Szpiro states that there seems to be a space at the north end between the carport and the basement level. Could the door be relocated to that side of the house so it would not be seen from the street?

Project designer Christina Gonzalez states that it would interfere with the carport deck, which is accessible from the main floor.

Owner of 516 & 520 Cayuga Heights Rd. M. Pinnisi states that his property is directly across the road from the applicants. His concern is the size of the house proposed. What is the purpose of a height restriction if it cannot be enforced?

M. Pinnisi states that the first he heard of this project was a notice from the Village. The owners did not contact him; the one picture he received of the place was described as a two-story house with a basement, but the visual of it is four stories. There are several horizontal bands that visually look like a four-story house.

M. Pinnisi states that his main concern is that, as presented, is that this house is imposing. He already has several different styles of homes adjacent to his properties, and this just adds a weird mix with the addition of a four-story modern thing.

M. Pinnisi states that closing this project does not strike him as something where a variance from height is appropriate. This is exactly when a height restriction should be imposed on a project when the character of the neighborhood is affected.

ZBA Member S. Barnett states that she would like some clarification on what is creating a visual of a fourth floor.

M. Pinnisi states that the lines that are presented in the drawing of this home give the appearance of a four-story home. If the basement level was not exposed from the western side and the grade goes right up to the building, I don't have any grounds to say that the building should be less than twenty-five feet above that grade.

M. Pinnisi states that I am simply saying, please apply the zoning rules as written.

R. Isaacs, owner of 524 Cayuga Heights Rd., states that (from the Chat) trees are the critical issue, keeping those as a barrier would go a long way toward obscuring the house's outsized scale.

A. Wood, owner of 512 Cayuga Heights Rd. States that he thinks it is also very important to keep with the character of the neighborhood. The trees and woods should not be removed. He is also concerned about the setback.

Project designer Christina Gonzalez states that this project is as far back as allowed under the zoning law. The house will be built where the existing tennis courts are now.

Village Superintendent of Public Works B. Cross states that the Village Planning Board will be able to determine how and where the driveway will be located based on the grade requirements. This is also true with any decisions about trees and plantings for this project.

Village Superintendent of Public Works B. Cross states that he misspoke about the two-story home adjacent to this project, which is actually a one-story home with a walk-out basement. The other statement from earlier needed clarification because every single property in the Village has some kind of slope challenges we have to take into account, that fifty percent of the homes would have this challenge on the uphill side, and fifty percent would have that issue on the downhill side.

ZBA Member S. Barnett inquires whether or not this particular home has a roofline that extends beyond a normal house with an attic

Village Superintendent of Public Works B. Cross states that the roof looks steep but not out of the norm. The observation M. Pinnisi pointed out normally wouldn't be glass but some kind of contained space. The height is on the higher side of the average, because of the slope of the pitch (9/12)

M. Pinnisi states that the fact remains that they are making it taller for aesthetic reasons; they could put a flat roof there, and we wouldn't be here tonight. I am asking the Board to take my aesthetics into account, my neighbors' aesthetics, and the people who will be driving down Cayuga Heights Rd.

M. Pinnisi states that because of this, what they are asking for is accommodation of their aesthetic choice. He feels that the applicant should comply with the existing rules.

Village Attorney O. Shah states that the Zoning Board of Appeals is tasked with making a decision about the variance of the height restriction, that is all. The Village Planning Board will be the Board discussing aesthetic characteristics of the neighborhood.

M. Pinnisi states that he understands and does feel it is appropriate for this body to consider the impact on the neighborhood properties to put something in that is taller than the rule otherwise permits.

ZBA Member S. Barnett states that the reason for the existence of the Village Zoning Board of Appeals is to allow variances so properties can actually sometimes deviate from the regulations.

M. Pinnisi states that he respects the role of the Board and does not question the authority to grant a variance when warranted, but does not agree that if someone asks for a variance, they should get it.

M. Pinnisi states that he is all for the mitigating measures that have been brought up here tonight. What it does not want to see is a big wall of glass that extends for several stories, looming over my house and the road.

A. Wolkoff of 120 Cayuga Park Rd. States he is interested in knowing the height of the proposed house from his (uphill) side view and also how close it will be to his property line.

ZBA Member S. Barnett states that, from her understanding, that side of the house complies.

Village Superintendent of Public Works B. Cross states that the setback, as proposed, is twenty-five feet from the property line.

Applicant Nick Schweitzer states that at some point in time, someone filled the slope area to construct the tennis courts. This has resulted in a good flat place to build, except for the raised side that faces Cayuga Heights Rd.

Applicant Nick Schweitzer states that we are trying to be as unintrusive as possible to the neighbors, we are trying to do everything else in compliance with the law, but this little part that sticks out is due to the tennis courts.

ZBA Chair L. Staley closes the Public Hearing at 8:09 p.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 a detriment to nearby properties will be created by granting the area variance.**

   Findings:

   Based on the comments received on this project, yes, but there are lots of homes in the area that are similar to the heights that exceed the Village Zoning Law. The height will not change if the basement walkout is moved to a different location. As presented with a fully exposed walkout basement and straight driveway exposed to the road could have a detriment, but reducing the exposure of the basement, as presented in the August 19, 2025, drawings, relocating or curving the driveway, and keeping trees will significantly reduce the impact on the nearby properties.

   Determination: YES___X__ 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 feasibility of moving the basement entrance would not be practical. The applicant would still need a variance.

Determination: YES_____ NO __X___

3. Whether the requested area variance is substantial.

Findings:

The requested percentage that exceeds Village Zoning is high (34%), but the overall area affected is very small.

Determination: YES_X____ 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:

The Village Planning Board has determined that there is no environmental impact. The height does not impact the physical environment.

Determination: YES_____ NO __X___

5. Whether the alleged difficulty was self-created.

Findings:

The owners want to build a new home on the property they purchased.

Determination: YES_X____ NO _____

Village Superintendent of Public Works B. Cross states that the Board can either deny this request and ask the applicant to resubmit a request with the suggested changes or move forward and require the applicant to adhere to the conditions of approval.

Village Superintendent of Public Works B. Cross states that in this case, the applicant still has to present to the Village Planning Board for site plan review.

Motion made to approve the variance is as follows:

WHEREAS: At the regular meeting on September 7, 2025, the Village of Cayuga Heights Zoning Board of Appeals has considered the application of 515 Cayuga Heights Rd. (tax parcel 9.-1-7), to construct a new single-family home at 515 Cayuga Heights Road, which was presented, measures 33.5 feet in height. This is more than the 25 feet allowed by the Village of Cayuga Heights Zoning Ordinance, Section 305-18.a: Height of Building in the residential district.

WHEREAS: The Zoning Board of Appeals has conducted a public hearing at the September 8, 2025 meeting to seek comments from the public, and

WHEREAS: The Zoning Board of Appeals accepts the Village Planning Board's determination that this is a Type 2 Action with no significant negative environmental impacts,

WHEREAS: 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 305-18.A, 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

THEREFORE BE IT RESOLVED THAT: The Zoning Board of Appeals grants the Area Variance requested by Nick Schweitzer and Jessica Salerno with the conditions that the height variance is only permitted for the width of the basement door and the remainder of the proposed exposed basement be reduced by fifty percent (50% underground) and recommends to the Village Planning Board the existing driveway be modified to reduce the home's exposure to Cayuga Heights Rd. and keep or add plantings to also reduce visibility and understanding that this project is to be built substantially as requested and presented to this Board.

motion: S. Barnett
Second: M. Tate
Ayes: L. Staley, S. Barnett, D. Szpiro M. Tate
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 8:50 p.m.