

PARK OUTDOOR ADVERTISING OF NEW YORK, INC.



CORPORATE HEADQUARTERS

11 Ascot Place • P.O. Box 4680 • Ithaca, NY 14852-4680
(607) 257-1477 • fax (607) 257-3020
ads@parkoutdoor.com • www.parkoutdoor.com

Broome

Binghamton
Endicott
Johnson City
Endwell
Chenango Bridge
Conklin
Chenango Forks
Whitney Point
Union
Maine
Kirkwood
Fort Crane

Cayuga

Auburn
Brutus
Sennett
Wedgesport
Port Byron
Flaming
Union Springs
Throop
Aurelius
Locke

Chemung

Elmira
Elmira Heights
Horseheads
Big Flats
Southport
Lowman
Wellburg
Van Etten

Cortland

Cortland
Cortlandville
Homer
Polkville
Marathon
Preble

Chenango

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Madison
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East Syracuse
Geddes
Skaneateles
Jordan
Elbridge

Oriskany

Oneonta
Hartwick
Sidney
Springfield
Milford

Oneida

Utica
Rome
New Hartford
Clinton
Whitestown
Trenton
Kirkland
Alder Creek
Holland Patent
Waterville
Yorkville
Taberg
Woodgate
Boonville
Remsen
Sylvan Beach
Marcy
Forestport
Washington Mills
Westmoreland
Verona
Camden
Bridgewater
Sangerfield
Oriskany

Schuler

Watkins Glen
Montour
Alpine Junction
Beaver Dams
Dix

Seneca

Ovid
Covert

Steuben

Corning
Bath
Hornell
Dansville
Coopers Plains
Hammondsport
Addison

Tioga

Owego
Nichols
Campville
Apalachin
Newark Valley
Candor
Tioga
Willseyville
Barton
Waverly
Spencer

Tompkins

Ithaca
Dryden
Trumansburg
Groton
Lansing
Newfield
Slaterville
Danby

Yates

Penn Yan
Dundee

Susquehanna

Pennsylvania
Great Bend
New Milford
Hallstead
Montrose
Susquehanna
Bridgewater
Springville
Oakland
Lanesboro
Chocanut
Friendsville
Dimock

Wyoming

Pennsylvania
Tunkhannock
Eaton
Lemon
Washington

February 13, 2020

Bruce Weber-Planning Director
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Mr. Weber;

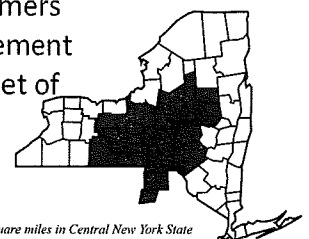
In February of 2019, it was my privilege to seek and obtain the necessary variances to allow Park Outdoor to [basically] replace a static billboard with a digital billboard. (Previously supplied Supporting information attached.)

As one of the Town's conditions, the cycle time for changing messages would not be less than ten (10) seconds per display. The concern raised by the Board had to do with potential distraction to drivers that a shorter cycle time might represent.

At that time, Park Outdoor represented that the industry norm and the requirements from the NYS DOT called for a minimum of eight (8) seconds and our business cases were normally associated with that cycle time. While we were hesitant to agree to this condition, we did so because having the board at 10 seconds was better than not having a board at all.

Since that time, it has become clear to us that the increase in cycle time continues to have a negative impact on Park Outdoor. This negative impact includes and is not limited to:

- A twenty percent decrease in revenue because only 6 slots can be sold per minute (10 second slot), compared to 7.5 slots per minute (8 second slots). This represents a significant loss in revenue.
- Conflict in presenting this location to customers when the difference in slot time is compared to other locations. While it is true each message has more time to be reviewed, it is also clear that there is less chance that their message will be seen. The competing objectives do end up favoring an 8 second cycle time.
- We have run into difficulties selling "showings" packages to customers because of the difference in cycle times. ("Showings" are an agreement to show a certain amount of exposures to drivers in CNY or a subset of



Covering fifteen thousand square miles in Central New York State

the area. If we commit to certain locations and a certain amount of exposures per location, the fact that the Cortlandville location is only capable of 10 showings per minute, negatively impacts the commitment and number of packages we can entertain.) As a result, we have had to use additional Information Technology manpower to reconfigure packages, to then even out the number of messages.

Given the above, it is requested that the Zoning Board reconsider its position on 10 second cycle times and allow the time to be reduced to 8 seconds.

Please consider:

- All of our digital locations conform to 8 second turns, without incident
- The NYSDOT and FHWA have vetted 8 second turns and have relied on tests and information throughout the States and many foreign countries.
- Tompkins Street, in the City of Cortland, has 8 second turns without incident.
- The last time I checked with the Town Codes Office, there had been no complaints reported on the new location on Route 281.
- Another copy of the Environmental Assessment Form.

It is requested that I be scheduled to revisit this constraint with the Town Zoning Board.

If there are any questions or if there are procedural issues I have not addressed, please contact me. My cell phone is (607) 592-1150

Thank you.

Very truly yours;

A handwritten signature in black ink that reads "Paul Simonet". The signature is written in a cursive, flowing style.

Paul Simonet
Lease Management

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: <p style="text-align: center; font-size: 1.2em;">DIGITAL OFF-PREMISE SIGN UPDATE</p>			
Project Location (describe, and attach a location map): <p style="text-align: center; font-size: 1.2em;">ROUTE 281, TAX MAP 96.05-01-38</p>			
Brief Description of Proposed Action: <p style="text-align: center; font-size: 1.2em;">We propose that the Town allow the current 10 second cycle time for message changes, to be reduced to 8 seconds</p>			
Name of Applicant or Sponsor: <p style="font-size: 1.2em;">PARK OUTDOOR ADVERTISING OF NY, INC</p>		Telephone: (607) 257-1477	
Address: <p style="font-size: 1.2em;">PO Box 4680</p>		E-Mail: PAUL.SIMON@PARKOUTDOOR.COM	
City/PO: <p style="font-size: 1.2em;">ITHACA</p>		State: <p style="font-size: 1.2em;">NY</p>	Zip Code: <p style="font-size: 1.2em;">14852-4680</p>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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. NO IMPACT		NO <input type="checkbox"/>	YES <input checked="" 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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

<p>5. Is the proposed action,</p> <p>a. A permitted use under the zoning regulations?</p> <p>b. Consistent with the adopted comprehensive plan?</p>	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?</p> <p>If Yes, identify: _____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>8. a. Will the proposed action result in a substantial increase in traffic above present levels?</p> <p>b. Are public transportation services available at or near the site of the proposed action?</p> <p>c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>9. Does the proposed action meet or exceed the state energy code requirements?</p> <p>If the proposed action will exceed requirements, describe design features and technologies:</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>10. Will the proposed action connect to an existing public/private water supply?</p> <p>If No, describe method for providing potable water: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>11. Will the proposed action connect to existing wastewater utilities?</p> <p>If No, describe method for providing wastewater treatment: _____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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?</p> <p>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?</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
<p>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?</p> <p>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?</p> <p>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____</p> <p>_____</p> <p>_____</p>	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

Project: Date:

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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- 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.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

ON THE MOTION OF Amy Bertini
Danny Ross

RESOLUTION NO. 19-03

GML#96.05-01-38.000
Town of Cortlandville
Area Variance & Use
Variance
Park Outdoor Advertising

WHEREAS, on February 4, 2019 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for an Area Variance and Use Variance because the property is located within 500 feet of NYS Route 281, NYS Department of Transportation Highway Garage and SUNY Cortland which has been received by the Cortland County Planning Department, AND

WHEREAS, the Cortland County Planning Department has reviewed this request and submitted a written report dated February 8, 2019, which is on file, AND

WHEREAS, the Cortland County Planning Board on February 13, 2019 held a regular meeting with a quorum and did consider this request, AND

WHEREAS, the Cortland County Planning Board did thoroughly consider the material submitted by the petitioner, Department comments and all other relevant reports on file, NOW THEREFORE BE IT

RESOLVED, that the Board recommends approval of this application for a use variance and area variance contingent upon the following:

1. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter the Town's zoning law as is required before any use variance may be granted.
2. The Town considering requiring a minimum time period for each message to be displayed to reduce potential distraction to drivers of multiple messages being displayed as a driver passes the sign.
3. The applicant following all NYS DOT requirements for Commercial Electronic Variable Message Signs (CEVMS).
4. The Town weighing the benefit of the increased sign height and less than the required setback to the applicant vs. the health, safety and welfare of the

community/neighborhood as is required before area variances may be granted.

5. Compliance with SEQR requirements, AND

BE IT FURTHER RESOLVED, that the Board reminds the Town of the requirements of General Municipal Law Section 239 M that a supermajority vote is to be attained by the Town in order to approve this application unless every contingency documented in this resolution is followed, AND

BE IT FURTHER RESOLVED, that the Planning Department is hereby authorized to convey this action to the Zoning Officer, Town of Cortlandville.

Wendy Miller, Secretary
Cortland County Planning Board
February 13, 2019

Ayes: 7

Nays: 0

February 8, 2019

GML# 96.05-01-38.000
Town of Cortlandville
Use Variance & Area Variance
Park Outdoor Advertising

TO: Cortland County Planning Board
FROM: Cortland County Planning Department

This application for a use variance and area variance is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M because the property is located within 500 ft. of NYS Route 281, NYS Department of Transportation Highway Garage and SUNY Cortland.

GENERAL INFORMATION

Date Received: February 4, 2019

Applicant: Park Outdoor Advertising
P.O. Box 4680
11 Ascot place
Ithaca, NY 14852

Status of Applicant: lease agreement

Requested Action: use variance and area variance

Purpose: to replace an existing 12 ft. x 24 ft. double sided static billboard sign with the same size sign which is digital on one side and static on the other. The proposed sign would be 7 ft. higher than the existing sign

Location: east side of NYS Route 281, within the railroad right of way between SUNY Cortland and the NYS Department of Transportation Highway Garage

Size: 8.8± acres

Existing Zoning: B-3 (Planned Commercial Business)

Existing Land Use: railroad right of way

Surrounding Zoning: GB (Planned Commercial Business), R-1 (Residential) & I-2 (General Industrial)

Surrounding Land Uses: N –SUNY Cortland solar array
 S – NYS Department of Transportation Highway Garage
 E – railroad tracks
 W - Pall Corp.

Existing Regulations: Code of the Town of Cortlandville
 Chapter 178 Zoning
 Article VIIIA Planned Commercial Business B-3 District
 Article XVIII Signs
 ~178-111. Sign placement and construction requirements
 B. No sign in any district shall be located nearer than 15 feet to a street line or lot line, as measured from the sign's nearest edge
 K. Animated signs are prohibited
 ~178-112. Permitted signs.
 B. Requiring building permit
 (4)
 (a)
 Article XXI Zoning Board of Appeals
 ~178-132. Duties and powers.
 B.

ANALYSIS -

The applicant is requesting a use variance and area variance to replace an existing 12 ft. x 24 ft. double sided static billboard sign with the same size sign which is digital on one side and static on the other. The proposed sign would also be 7 ft. higher than the existing sign. The proposed sign would be located on the east side of NYS Route 281, within the railroad right of way between SUNY Cortland and the NYS Department of Transportation Highway Garage. The property is zoned B-3 (Planned Commercial Business).

The proposed sign would be in the same location as an existing double sided static billboard sign. The proposed sign would also be the same size (12 ft. by 24 ft.). The applicant however is requesting that the north face of the sign (visible to vehicles travelling south on NYS Route 281) be a digital sign while the south face of the sign remain a static sign. The digital sign would allow for multiple advertisements to be displayed individually on the sign on a programmed loop similar to the digital sign on Tompkins Street in the City of Cortland within the railroad right of way. The Zoning Local Law of the Town of Cortlandville

however prohibits animated signs. The applicant has therefore applied for a use variance. In order for a use variance to be granted, the applicant must demonstrate that there are unnecessary hardships in the way of carrying out the strict letter of the Town's zoning law. It is recommended that if positive consideration is given to the proposed use variance that the Town considers requiring a minimum time period for each message to be displayed to reduce potential distraction to drivers of multiple messages being displayed as a driver passes the sign. The applicant must also follow all NYS DOT requirements for Commercial Electronic Variable Message Signs (CEVMS).

The applicant is also requesting to increase the height of the sign from 20 ft. (15 ft. above road grade) to 27 ft. (22 ft. above road grade) by installing the billboard on a monopole. The applicant is requesting the height increase as since NYS Route 281 was widened, the existing sign and accessory electrical box have been damaged by snow and salt spray from the road. The applicant has stated that the increased height would prevent such damage. The Town of Cortlandville however does not permit ground signs to exceed 8 ft. in height. It should also be noted that the proposed sign would be located 11.6 ft. from the edge of the NYS Route 281 right of way and 12 ft. from the edge of the railroad right of way vs. the required minimum setback of 15 ft. from a street line or lot line. Although the proposed sign would be located in the same location as the existing sign, it is proposed to be higher than the existing sign and therefore its proximity to the street line and lot line may have a greater impact than the existing sign. The applicant has therefore requested area variances. In order for areas variance to be granted, the Town must weigh the benefit of the increased sign height and less than the required setback to the applicant vs. the health, safety and welfare of the community/neighborhood.

Finally, this proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form. Parts II & III should be completed by the Town to determine if there may be any significant adverse environmental impacts as a result of the proposed use.

RECOMMENDATION -

The staff recommends approval of this application for a use variance and area variance contingent upon the following:

1. The applicant demonstrating that there are unnecessary hardships in the way of carrying out the strict letter the Town's zoning law as is required before any use variance may be granted.
2. The Town considering requiring a minimum time period for each message to be displayed to reduce potential distraction to drivers of multiple messages being displayed as a driver passes the sign.
3. The applicant following all NYS DOT requirements for Commercial Electronic Variable Message Signs (CEVMS).

4. **The Town weighing the benefit of the increased sign height and less than the required setback to the applicant vs. the health, safety and welfare of the community/neighborhood as is required before area variances may be granted.**
5. **Compliance with SEQR requirements.**

Reviewed/revised by:

Daniel S. Dineen
Director of Planning

GENERAL MUNICIPAL LAW

Zoning Referral Form

Conditional Permits, Special Permits, Site Plan Reviews & Variances

Director
CORTLAND COUNTY PLANNING DEPARTMENT
37 Church St.
Cortland, NY 13045-2838
Telephone: (607) 753-5043
Fax: (607) 753-5150

GML No. 96.05-01-38
(Tax Map Number)

Date: 12/20/18

Submitting Officer: Bruce Weber, Planning & Zoning Officer

Municipality: Town of Cortlandville

Mailing Address: 3577 Terrace Road, Cortland, NY 13045

Phone Number: (607) 756-7052

Fax Number: (607) 758-7922

	<u>Type of Referral</u>	
The applicant request the following:		
Variance: <input checked="" type="checkbox"/> Bulk - Article	Section	_____
<input checked="" type="checkbox"/> Use - Article	Section	_____
Special Permit: Article	Section	_____
Conditional Permit: Article	Section	_____
Site Plan Review: Article	Section	_____

Reason(s) for request: _____

Is the above action a Type 1 _____, Type 2 _____, or unlisted action under the State Environmental Quality Review Act? Attach required environmental assessment forms for Type I and unlisted actions.

The following information is required for your application to be complete:

- Name of petitioner: PARK OUTDOOR ADVERTISING (POA)
- Owners name (if different): CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY (CCIDA)
- Date of acquisition: _____

Address: POB 4680 11 Ascot Place Fithaca

State: NY Zip: 14852-4680

Phone Number: (607) 257-1477 Fax Number: (607) 257-3020

2. A Site Plan Map showing:

- a. Scale (1 inch equals 20 feet if site is less than 1 acre or an agreed upon scale for a site larger than 1 acre)
- b. North Arrow
- c. Physical Characteristics of Site, existing and proposed (Topography, Water and Vegetation)
- d. Layout Plan Showing buildings, parking and available utilities
- e. Surface and Subsurface Drainage Plan, incorporated with Layout Plan
- f. Location of County or State facility pursuant to Section 239 l, m and n of the General Municipal Law
- g. Location Map at 1"=1000' scale
- h. Area Map at 1"=200' or an agreed upon scale
 - (1) zoning classification of subject and adjoining properties
 - (2) surrounding land use within 500 feet of subject property
 - (3) surrounding zoning classifications

3. A certified Tax Map from the Cortland County Office of Real Property and Assessment showing the property lines of the applicant's property.

4. Availability of public utilities and services:

Water _____ District _____ ; Sewer _____ District _____ ;

Fire Protection _____ District _____ ; Refuse Collection _____

Special services required: _____

5. Does Site Plan conform to municipal master plan? _____ If not why? _____

6. Does Site Plan conform to county land use plan? _____ If not why? _____

7. School District: _____

8. Projected energy consumption: _____ Type: _____

9. Traffic generation (expected vehicle departures and arrivals per 24 hour period) : _____

NOTE: All maps require the name and address of the N.Y.S. licensed engineer or land surveyor responsible for preparing the seal and map.

Signature and Title of Submitting Official

(REVISED: 8/01)

TOWN OF CORTLANDVILLE
3577 TERRACE ROAD
CORTLAND, NY 13045

ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION

Applicant: Park Outdoor Advertising Phone#: (607) 257-1477

Address: 11 Ascot Place, POB 4680 Ithaca, NY ¹⁴⁸⁵²⁻⁴⁶⁸⁰ Fee: \$100-

Property Owner: Cortland County Industrial Development Agency

Appeal Concerns Property at the following address: ADDRESS NOT ASSIGNED

Tax Map #: 96.05-01-38

Zoning District Classification: RAILROAD

Use for which Variance is requested: The DOT widened road near our sign, resulting in snow and salt spray impacting sign. We want to raise sign 7-10 ft.

Applicable Section(s) of Zoning code: 178-112 B-4 (A)

Signature: Paul E. Simon Date: 12/20/18

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether an undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes No

Reason: An existing sign is in place whose appearance would actually improve drastically were requested variances be granted. T beams would be replaced by modern monopole, face replaced w/ walk deck + trim.

2. Whether benefit sought by applicant can be achieved by feasible alternative to the variance: Yes No

Reason: When NYS DOT widened Rt 281, salt spray + water/snow from plowing road + sidewalk increased dramatically. Damage to electric box, light and drainage have negatively impacted location.

Zoning Board of Appeals Area Variance Findings & Decision

3. Whether the requested variance is substantial: Yes ___ No X

Reason: The size of sign will NOT change. The height of sign will increase a modest 7 feet, relative to its impact on LOCAL VIEW.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No X

Reason: The location is NEXT TO THE SUNY SOLAR FARM AND NEXT TO A ROW OF TREES AT THE DOT RESIDENCE OFFICE. OTHER AREA IS THE RAILROAD TRACKS AND RR CROSSING EQUIPMENT.

5. Whether the alleged difficulty was self-created: Yes ___ No X

Reason: THE PRIMARY REASON FOR RAISING THE SIGN IS ROOTED IN ACTIONS TAKEN BY NYS DOT TO WIDEN THE ROAD. GIVEN THE SIGN NEEDS TO BE RAISED THE BEST SOLUTION SHOULD BE AESTHETICALLY PLEASING, WHICH WOULD BE A NEW MONOPOLE STRUCTURE

DETERMINATION OF ZBA BASED ON THE ABOVE FIVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

___ The Benefit to the Applicant DOES NOT outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

___ The benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reason: _____

TOWN OF CORTLANDVILLE
3577 TERRACE ROAD
CORTLAND, NY 13045

USE VARIANCE FINDINGS & DECISION

Applicant: Park Outdoor Advertising Phone #: (607) 257-1477

Address: 11 ASCOT PL, POB 4680 ITHACA, NY 14852-4680 Fee: _____

Property Owner: CORTLAND COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Appeals Concerns Property at the following address: NO ADDRESS ASSIGNED

Tax Map Number: 96-05-01-038

Zoning District Classification: RAILROAD

Use for which Variance is requested: we would like to change one sign face from a static face to a digital face.

Applicable Section of Zoning Code: 178-111-K

Signature: Paul E. Simonet Date: 12/20/18

TEST: No Use Variance will be granted without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. The following test must be met for each and every use allowed by zoning on the property, including uses allowed by special use permit.

1. Has the Applicant demonstrated that the Applicant cannot realize a reasonable return, and that the lack of return is substantial and has been demonstrated by competent financial evidence?
Yes No

Proof: THE CCIDA HAS WANTED THE TRACK TO BE REVENUE BEARING. UNTIL THERE IS A RAIL CLIENT, THE ONLY REVENUE IS IN THE FORM OF SIGN LEASE PAYMENTS. PARK OUTDOOR CAN ONLY INVEST IN LOCATIONS THAT ARE HEAVILY TRAFFICKED. THIS LOCATION QUALIFIES.

2. Has the Applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood?
Yes No

Proof: We are an existing sign location in an industry trending towards digital technology. There is no other existing sign site along Route 281 in Cortlandville.

Use Variance Findings & Decision

3. Has the Applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood? Yes No

Proof: The location is next to the SUNY Solar Farm and next to a row of trees along the DOT Resident Engineer office. The existing property is a RAILROAD TRACK, that is currently DORMANT.

4. Has the Applicant demonstrated that the alleged hardship has not been self-created? Yes No

Proof: NATIONALLY, THE ADVERTISING WORLD IS MIGRATING TO DIGITAL TECHNOLOGY (NEWSPAPERS, PERIODICALS, WEEKLY SHOPPERS ARE CLOSING). PRINTED SIGNS ARE DECREASING WITH DIGITAL SIGNS BEING MORE IN DEMAND.

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after reviewing the above four proofs, finds:

That the applicant has failed to prove unnecessary hardship through the application of the four tests required by the state statutes.

That the applicant has proven unnecessary hardship through the application of the four tests required by the state statutes. In finding such hardship, the ZBA shall grant a variance to allow use of the property in the manner detailed below, which is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community:

(USE)

617.20
Appendix B
Short Environmental Assessment Form

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: <i>OFF-PREMISE SIGN UPDATE</i>			
Project Location (describe, and attach a location map): <i>Route 281; TAX MAP 96.05-01-38</i>			
Brief Description of Proposed Action: <i>We propose to replace existing structure in order to raise sign 7-10'. This is to avoid salt spray/snow from damaging sign. We would also like to replace one static face with a digital face.</i>			
Name of Applicant or Sponsor: <i>PARK OUTDOOR ADVERTISING OF NY, INC</i>		Telephone: <i>607 257-1477</i>	
		E-Mail: <i>PAUL.SIMONET@PAK-OUTDOOR.COM</i>	
Address: <i>PO Box 4680</i>			
City/PO: <i>ITHACA</i>		State: <i>NY</i>	Zip Code: <i>14852-4680</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? 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.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: <i>NYSDOT SIGN PERMIT</i>			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>0001</i> acres	
b. Total acreage to be physically disturbed?		<i>0001</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>0001</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input 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			

5. Is the proposed action, a. A permitted use under the zoning regulations?		NO	YES	N/A
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: <i>It conforms to power guidelines</i>		NO	YES	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?		NO	YES	
		<input type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES		NO	YES	
		<input checked="" type="checkbox"/>	<input type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>PARK OUTDOOR ADVERTISING</u> Date: <u>12/20/18</u>		
Signature: <u>Paul E. Simonet</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. 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 type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input 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 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 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 type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input 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 type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<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.
<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 will not result in any significant adverse environmental impacts.
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT

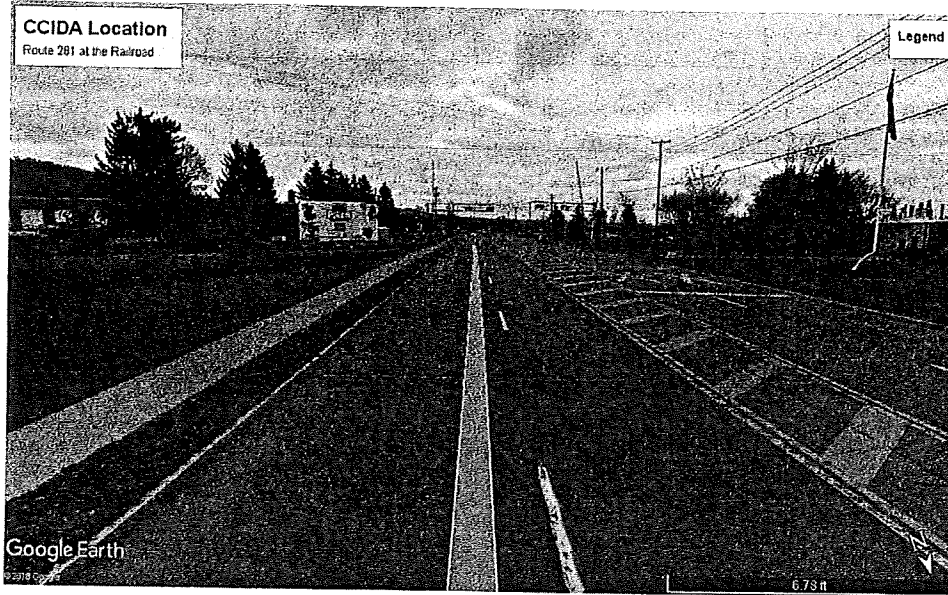
CCIDA Location

Route 281 at the Railroad

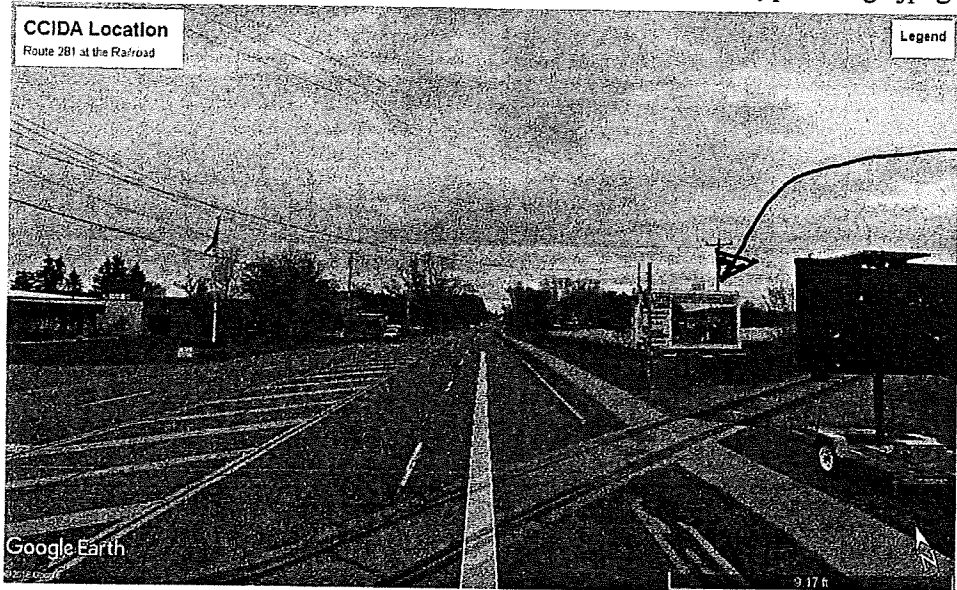


Google Earth

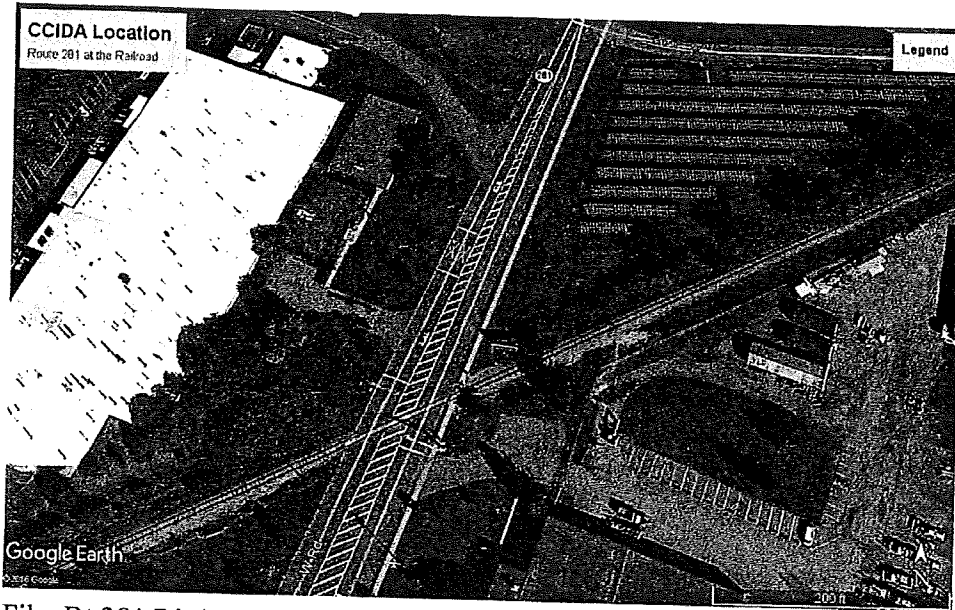
© 2018 Google



File: Rt 281 Southbound Read.jpg Size: 395k Content Type: image/jpeg

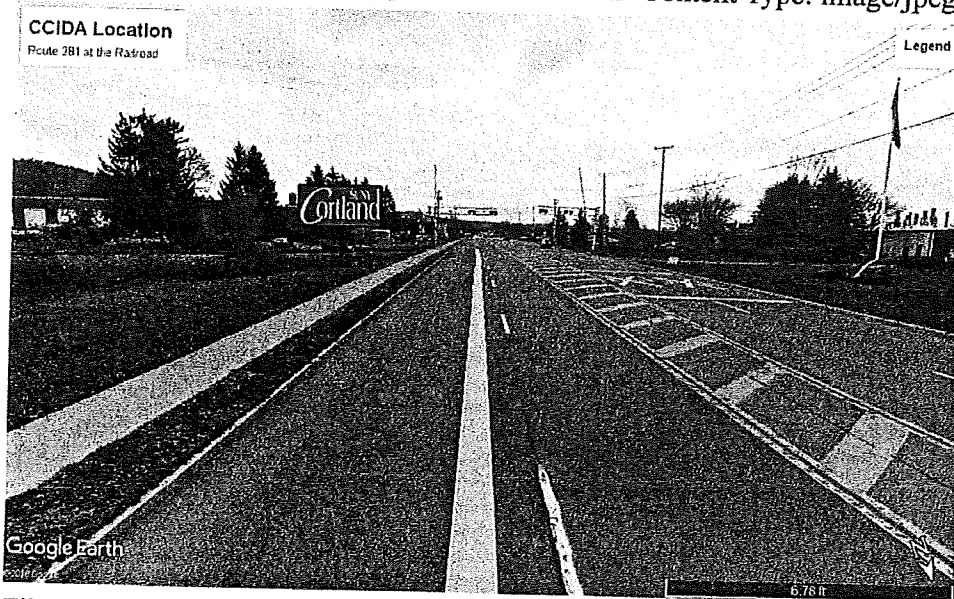


File: Rt 281 Northbound Read.jpg Size: 367k Content Type: image/jpeg



File: Rt 281 Bird's eye view.jpg

Size: 600k Content Type: image/jpeg



File: Cortland Rt. 281 conversion after.jpg

Size: 109k Content Type: image/jpeg

8.99 A

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STATE 430'(S)

600'(S)

sign location

PORTION OF PARCEL
96.05-01-38

FOR REMAINING PORTION
SEE MAP 95.12

NEW YORK STATE
HIGHWAY GARAGE

5.49 A

01.1

SCH

ROAD)

310'(S)

STATE ROUTE 287

28'

WEST 296'

2.13'