

ON THE MOTION OF Chuck Fesizli
Emily Discenza

RESOLUTION NO. 20-19

GML# 96.11-02-07.000
Town of Cortlandville
Use Variance & Conditional
Permit
Gibbons Construction
Services, Inc.

WHEREAS, on August 20, 2020 the Zoning Officer, Town of Cortlandville, pursuant to General Municipal Law 239 M submitted an application for a Use Variance and Conditional Permit because the property is located within 500 feet of NYS Route 215 and Starr Road (County Road 120C) 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 September 11, 2020, which is on file, AND

WHEREAS, the Cortland County Planning Board on September 16, 2020 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 denial of this application for a use variance and conditional permit as the proposed use may adversely impact the surrounding residential neighborhood, 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
September 16, 2020**

Ayes: 6

Nays: 2 (Paul Slowey, Ann Swisher)

September 11, 2020

GML# 96.11-02-07.000
Town of Cortlandville
Use Variance and Conditional Permit
Gibbons Construction Services, Inc.

TO: Cortland County Planning Board

FROM: Cortland County Planning Department

This application for a Use Variance and Conditional Permit is being referred to the Cortland County Planning Board pursuant to General Municipal Law 239-M because the property is located within 500 feet of NYS Route 215 and Starr Road (County Road 120C).

GENERAL INFORMATION

Date Received:	August 20, 2020
Applicant:	Gibbons Construction Services, Inc. P.O. Box 655 Cortland, NY 13045
Status of Applicant:	purchase agreement
Requested Action:	Use Variance and Conditional Permit
Purpose:	to use a vacant church building as offices and equipment storage for a construction business
Location:	north side of Starr Road, approximately 100 ft. west of the intersection of NYS Route 215 and Starr Road
Size:	0.9± acres
Existing Zoning:	R-2 (Residential)
Existing Land Use:	vacant church
Surrounding Zoning:	R-2 (Residential) & AG (Agricultural)
Surrounding Land Uses:	N – Single Family Residential S – Single Family Residential E – Vacant W – Vacant

Existing Regulations: Code of the Town of Cortlandville

Chapter 178 Zoning

Article IV – R-2 (Residential) District

Section 178-20. Statement of Intent

Article XIV – Conditional Permit

Section 178-75. Structure/use requirements for permit approval

Article XVIII – Signs

Section 178-112. Permitted signs

B. Requiring building permit

Table 1 – Permitted Sign Requirements

Table 2 – Regulations for Permitted Signs

Article XXI – Zoning Board of Appeals

Section 178-132. Duties and powers

ANALYSIS -

The applicant is requesting a Use Variance and Conditional Permit to use a vacant church building as offices and equipment storage for a construction business. The property is located on the north side of Starr Road, approximately 100 ft. west of the intersection of NYS Route 215 and Starr Road, and is zoned R-2 (Residential).

This is the second time an application for this property has been before the Board for review. In July 2014, the Board recommended approval of an application for a use variance and conditional permit to convert the vacant church into a community woodshop as an educational facility contingent upon the following:

1. The applicant showing that applicable zoning regulations and restrictions have caused unnecessary hardship as is required before any use variance may be granted.
2. The proposed sign being limited to a maximum of 8 ft. in height.
3. That there is no outside storage of materials on site.
4. Compliance with SEQR requirements.

The application was subsequently approved by the Town. The property is no longer being used as a community woodshop and the applicant is now requesting a use variance and conditional permit to use the vacant church building as offices and equipment storage for a construction business.

The applicant is proposing to operate a small remodeling business at this location specializing in kitchen and bath remodels, decks, additions as well as flooring and interior painting. Construction businesses including office uses and equipment storage are not allowed uses in the R-2 (Residential) District. The applicant has therefore applied for a use variance. In order for a use variance to be granted, the applicant must show that

applicable zoning regulations and restrictions have caused unnecessary hardship. The applicant has also applied for a conditional permit for this use. In order for a conditional permit to be granted, the applicant must comply with the structure/use requirements for permit approval.

The exterior of the existing building and the parking area would remain unchanged. The only proposed change to the property is a dumpster enclosure with a 6 foot in height white vinyl fence for construction debris to be placed in the back corner of the lot. The applicant has not provided information as to which corner the dumpster will be placed. It is recommended that the applicant submits a site plan indicating the exact location of the dumpster enclosure and corresponding 6 ft. high white vinyl fence in order to access potential impact to the neighboring properties before positive consideration is given to this proposal.

The proposed use is for an office space for management of the construction business and the storage of equipment. Hours of operation would be Monday-Friday 7 a.m. to 5 p.m. and closed on weekends. The applicant has indicated that the construction crews would meet at this location at approximately 7 to 7:30 am Monday - Friday before travelling to work sites and returning at the end of the work day at approximately 3:30 to 4 pm. There will be a maximum of 14 employees at the site during these time periods with one to three office employees on site during the remainder of the workday. The applicant intends to park and store two towable trailers and one enclosed trailer in the back of the parking area for use at job sites. There would also be three to five vehicles parked on site during business hours for employees of the proposed business. The applicant has stated that there will be no other construction equipment stored outdoors on site. All other equipment used by the construction business would be handheld tools which will be stored in the basement of the vacant church building. The applicant has indicated that there are future plans for a showroom for kitchen and bathroom renovations on the second floor of the building, but does not intend to have that included as part of this application. The existing 23 space parking area appears to be adequate for the proposed use and the future showroom. The applicant has not provided any information regarding proposed signage on the site. Any signage must comply with the size allowance for signs within the R-2 District as indicated in the "Zoning Local Law of the Town of Cortlandville".

Finally, this proposal is considered an Unlisted Action under SEQR. The applicant has completed Part I of a Short Environmental Assessment Form. Parts II and 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 conditional permit contingent upon the following:

1. The applicant showing that applicable zoning regulations and restrictions have caused unnecessary hardship as is required before any use variance may be granted.

2. That the proposed use complies with the listed structure/use requirements for conditional permit approval.
3. That the applicant submits a revised site plan to the Town indicating the exact location of the dumpster enclosure and corresponding 6 ft. high white vinyl fence in order to access potential impact to the neighboring properties.
4. That there be no outside storage of materials on site other than the proposed two towable trailers and one enclosed trailer in the existing parking area.
5. That any proposed signage complies with size requirements for the R-2 District as indicated in the "Zoning Local Law of the Town of Cortlandville".
6. Compliance with SEQR requirements.

Prepared by:

Reviewed and/or revised by:

Kevin J. Pagini
Planner

Daniel S. Dineen
Director of Planning

DSD/kp