

**LEGAL NOTICE
TOWN OF CORTLANDVILLE**

NOTICE IS HEREBY GIVEN that a public hearing before the Zoning Board of Appeals of the Town of Cortlandville will be held Tuesday, August 28, 2018 at 6:00 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, in the Town of Cortlandville, New York, to consider the following applications pursuant to the 1986 Zoning Law:

1. *In the matter of the application of Emmanuel Pothos for property located at 3872 Route 11, Tax Map No.87.00-05-05.000, for a variance in the terms and conditions of Article XVIII, Section 178-112 B 4, to allow for an off premise sign with a height and area greater than allowed.*
2. *In the matter of the application of Emmanuel Pothos for property located on Weaver Road, Tax Map No.87.00-05-11.000, for a variance in the terms and conditions of Article XVIII, Section 178-112 B 4, to allow for an off premise sign with a height and area greater than allowed*
3. *Interpretation request of Gina Gammage-Sikora & Robert Sikora*

The above applications are open to inspection at the office of Bruce A. Weber, Planning & Zoning Officer, Raymond G. Thorpe Municipal Building, 3577 Terrace Road, Cortland, New York, call (607)756-7052 or (607)423-7490. Persons wishing to appear at such hearing may do so in person, by Attorney, or other representative. Communications in writing in relation thereof may be filed with the Board or at such hearing.

DATED: August 16, 2018

John Finn, Chairman
Zoning Board of Appeals
Town of Cortlandville
Raymond G. Thorpe Municipal Building
3577 Terrace Road
Cortland, New York 13045



Cortland County Planning Department
37 Church Street • Cortland, New York 13045-2838
Telephone: (607) 753-5043 • Fax: (607) 753-5150

DANIEL S. DINEEN
Director of Planning
email: ddineen@cortland-co.org

August 6, 2018

Bruce Weber, Zoning Enforcement Officer
Town of Cortlandville
3577 Terrace Road
Cortland, NY 13045

Dear Bruce:

I am writing to clarify the County Planning Department/Board recommendation regarding Emmanuel Pothos' area variance request to place three off premises signs on properties north of Weaver Road in the Town of Cortlandville. The intent of recommendation #2 'that if positive consideration is given to the area variances, that the signage be limited to the maximum NYS Department of Transportation (DOT) allowances (325 sq. ft. double sided signs with a maximum height of 30 ft.)' is to insure that any variance does not allow the signage to exceed DOT requirements.

In light of new information provided by the DOT (letter addressed to Emmanuel Pothos from Stephen Roof NYS DOT Office of Right of Way / Property Management dated July 26, 2018), the maximum allowances stated in recommendation #2 (325 sq. ft. double sided signs with a maximum height of 30 ft.) are incorrect and should be removed from the recommendation to the Town. Recommendation #2 therefore should state 'that if positive consideration is given to the area variances, that the signage be limited to the maximum NYS Department of Transportation (DOT) allowances.

I apologize for any confusion that this may have created. Please let me know if you have any questions.

Sincerely,

Daniel S. Dineen
Director of Planning

Attachment: Stephen Roof letter dated July 26, 2018

Cc: Emmanuel Pothos

To: ZBA

From: Bruce Weber

Re: Sikora interpretation

Ms. Sikora is requesting that an artist gallery, where works of artists not residing at the residence are displayed for sale, should be considered a "garage sale". It is my interpretation that this is a retail business. Upon visiting the Sikora website, sikoraarts.com, it became clear this was not a garage sale.

At the same time that Ms. Sikora is requesting this interpretation, she is applying to the Planning Board for a Conditional Permit for a home occupation as an artist studio and asking the Town Board to add language to the Zoning Law to allow for artist galleries in certain zoning districts.

If you have any questions please feel free to call me at 607-423-7490.

Gina Gammage-Sikora, Robert Sikora
1010 McLean Rd.
Cortland, NY 13045
Sikora777@aol.com
607-597-9227
July 31, 2018

To the Zoning Board of Appeals of the Town of Cortlandville

For the past three months we have been trying to get a conditional permit to operate as an art studio/ gallery with public monthly viewings as part of the First Friday Art Trail organized by the Cultural Council of Cortland County.

I have contacted and personally visited Mr. Weber's office to understand how someone might use a residence as an art studio/ gallery that has very limited hours of operation.

I have been given other forms such as a "use Variance" knowing that I would not meet the requirements because the need for this type of "business" is not due to an economic hardship.

My understanding of his response is that: he does not approve my application for a conditional permit because what I intend to do in a R2 area does not fit his interpretation of an art studio. Therefore, because such a "business" is not in the language of the present zoning laws, I cannot be granted a conditional permit.

Our interpretation of an art studio is: Art studio is a place where an artist does his sculpting, painting or photography and where the public can visit, view and sometimes buy the works that are presented. A gallery functions in much the same way as an artist studio, teacher studio/office, or an educational institution.

Artist's studios often sell their artwork and the artworks of other artists and receive payment for these items. Teacher's studios and offices receive payment for their instruction and tutoring. Educational institutions receive payment for their instruction and tutoring. Garage sales and house sales receive payment for their items that are sold.

The logic on Mr. Weber's definition resides in strict interpretation of the exact language of the zoning, rather than its intent. Clearly, a business that is open on a daily basis could have a significant effect on local traffic and parking. Zoning should ensure that such a business does not have a negative impact on the neighborhood. Infrequent events, such as garage sales are permitted in R2, because they are a reasonable use of a person's residence and have a minimal impact on traffic and parking.

We believe that art exhibits and sales should be treated in the same way as a garage sale, in that they occur only about 10 times per year (there are no First Fridays during the summer).

However, the existing zoning code does not specifically mention art sales. And the zoning officer insists that under the existing code, this use would require a special application for change use

variance, as if we were using the residence for a home business. This would be the same process needed if we wanted to establish a dentist's office or hair salon, where the business is open daily.

Our view is that since the art sales are infrequent and involve small numbers of people, they should be permitted just as garage sales are. Additional permits, application for a change of use variance, etc. would be out of proportion to what actually occurs at these events. The venue is not open to the public on a daily basis, but only once a month.

178-120 Garage sales; house sales in residential areas.

Garage and house sales operations are permitted in Residential and Agricultural Districts on a temporary basis, but not as a permanent business. Such sales are limited to not more than eight days a in two-month period and not more than 24 days in any year.

(Definitions)

178-2C {81} Garage Sale

Sale of used goods from a private residence.

As a concerned resident of the Town of Cortlandville, I feel that there is a great need for art galleries for the cultural and aesthetic life of this town, where such an activity should be an important part of our community.

Attentively,

Robert Sikora

and

Gina Sikora