

**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.

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**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**

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**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.**

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**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:**

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**Daniel S. Dineen**  
**Director of Planning**