

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

Type of Referral

The applicant request the following:

Variance: Bulk - Article
 Use - Article

Section 178-111B, 112B4a, 111K
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 ITHACA

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 NEARBY SIGN, RESULTING IN SNOW AND SALT SPRAY IMPACTING SIGN. WE WANT TO RAISE SIGN 7 FT.

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

Signature: Paul E. Simonato 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. 2 BEAMS WOULD BE REPLACED BY MODERN MONOPOL, 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 NYSDOT to widen the roads. 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 ETHACA, 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 X 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 X 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: <p style="text-align: center;"><i>OFF-PREMISE SIGN UPDATE</i></p>			
Project Location (describe, and attach a location map): <p style="text-align: center;"><i>Route 281; TAX MAP 96.05-01-38</i></p>			
Brief Description of Proposed Action: <p style="text-align: center;"><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></p>			
Name of Applicant or Sponsor: <p style="text-align: center;"><i>PARK OUTDOOR ADVERTISING OF NY, INC</i></p>		Telephone: <i>607 257-1477</i>	
		E-Mail: <i>PAUL.SIMONET@PARKOUTDOOR.COM</i>	
Address: <p style="text-align: center;"><i>PO Box 4680</i></p>			
City/PO: <p style="text-align: center;"><i>ITHACO</i></p>		State: <p style="text-align: center;"><i>NY</i></p>	Zip Code: <p style="text-align: center;"><i>14852-4680</i></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 <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: <p style="text-align: center;"><i>NYS DOT SIGN PERMIT</i></p>			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<u>0.0001</u> acres	
b. Total acreage to be physically disturbed?		<u>0.0001</u> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<u>0.0001</u> 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?	NO	YES	N/A	
	<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?	NO	YES		
	<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?	NO	YES		
	<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: _____	NO	YES		
	<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	NO	YES		
	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	NO	YES		
	<input 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:	<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"/>

	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.

- 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



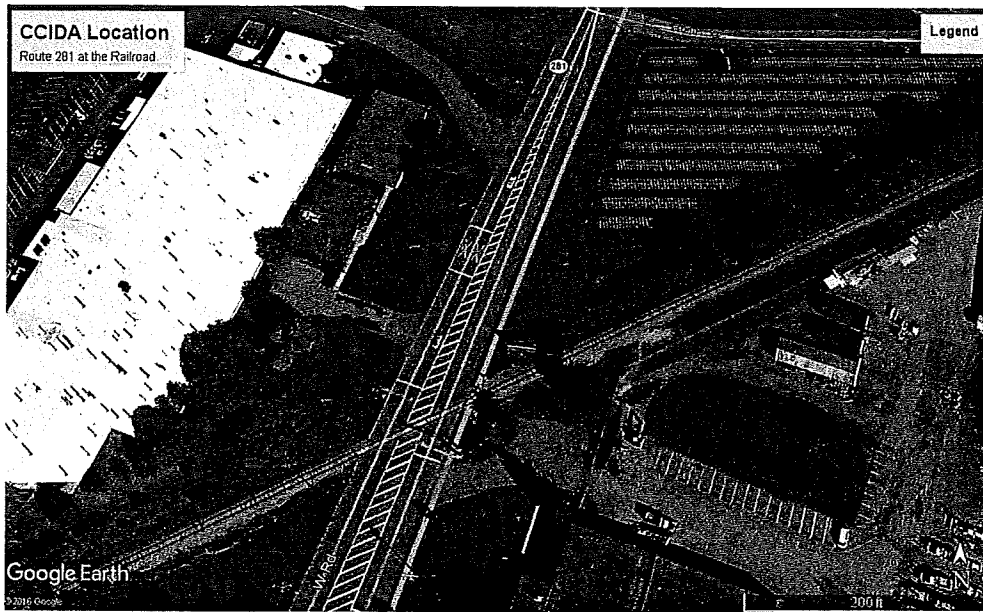
CCIDA Location
Route 281 at the Railroad



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 coversion after.jpg

Size: 109k Content Type: image/jpeg

8.99 A

13

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'

Proposed

