

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Tuesday, 29 December 2015 – 7 PM
Town Hall Court Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

David Plew, Chairman
John Finn
Thomas Bilodeau
Lenore LeFevre
Joanne Aloï

Others Present

Bruce Weber, Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John B. Folmer, Town Attorney

Applicants & Public Present

David Sanford, Applicant; John Sanford, Trudy Segovis.

The Public Hearing was opened at 7 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 17 December 2015, as follows:

NOTICE IS HEREBY GIVEN that a public hearing before the Zoning Board of Appeals of the Town of Cortlandville will be held Tuesday, December 29, 2015 at 7 p.m. at the Raymond G. Thorpe Municipal Building, 3577 Terrace Road, in the Town of Cortlandville, New York, to consider the following application pursuant to the 1986 Zoning Law:

1. *In the matter of the application of David & John Sanford for property located on 3303 US Route 11, Tax Map No. 108.00-01-02.200, for a variance in the terms and conditions of Article III, Section 178-11, to allow for a car lot and woodworking shop.*

The above application is 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 thereto may be filed with the Board or at such hearing.

David Plew, Chairperson
Zoning Board of Appeals

(Note: Proof of Publication has been placed on file for the record.)

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| PUBLIC HEARING |
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David Sanford, Applicant/Reputed Owner – 3303 US Route 11 – TM #108.00-01-02.200 – Use Variance for Car Lot & Woodworking Shop

Chairman Plew recognized the applicant who was requesting a Use Variance to conduct a used automobile sales business and a woodworking shop at this location. Mr. Sanford stated he owned a roadway escort service and also would like to keep his escort vehicles parked at this location.

Chairman Plew asked the applicant to explain his hardship to the Board if the requested variance was denied. Mr. Sanford responded that there was no other use for the property. He has owned the property a couple of years, having purchased it through foreclosure/auction. No one lives there. It was previously a bar. Member John Finn commented that there were a lot of cars parked there. Mr. Sanford stated they were all his vehicles and he was presently using the building for storage; he didn't want to park them in front of his Blodgett Mills house.

Chairman Plew asked if the parked vehicles were licensed; Mr. Sanford stated “one is.” He added that he “needed to clean them up.” Member Joanne Aloï asked what his purpose was for purchasing the property; he stated it was to “park my escort vehicles and my trucks there.” In response to Member Tom Bilodeau’s question, the applicant stated he stored “stuff and tools” inside the shop.

Chairman Plew asked about the woodworking shop, and David Sanford replied that was going to be used by his brother, John, who does woodworking offsite. He performs “handyman” work offsite and wants to store his materials there.

Chairman Plew then read aloud an undated letter from Robert Cornell (owner of property “next to them”), as follows:

“To who it may concern – variance for wood shop & car lot. I have no problem with the wood shop if you decide to give it to them but the car lot I do. They have been working on cars over there and have notice that stuff is thrown over the bank have no clue where there putting oil antifreeze tires have been put on our property and are still there. I don’t believe this to be a good idea and would not like to see it.” Signed by: (illegible), Representing Robert Cornell, owner of property next to them. Original letter has been placed on file for the record.

The applicant responded that he has never thrown anything over the bank and had no idea about this. Member LeFevre asked about the woodworking shop and if it was going to be a business. John Sanford responded it was mostly for storage of materials used on his jobs. She then asked if they were going to have a land survey completed to shown the property lines in relation to the US Route 11 right-of-way as this was one of the concerns indicated in the Cortland County Planning Department’s report of 16 December 2015.

Chairman Plew then read aloud the County Planning Board’s recommendation for denial of the application as contained in their Resolution No. 15-36 of 21 December 2015, a copy of which has been placed on file for the record. The recommendation for denial was based on (1) there being no survey map submitted to verify distances, and (2) failure to submit any written narrative explaining the hardship required for granting a use variance along with details regarding the proposed businesses, number of parking spaces, and hours of operation. The County also stated that “a map overlaying the tax map property lines on the aerial photo for the site indicates that the right-of-way for US Route 11 actually bisects the existing building on the site and, therefore, all of the vehicle display area would be within the right-of-way for US Route 11.”

Chairman Plew added that he had visited the subject property and it looked like a junkyard. He asked the applicant if he was going to clean it up. The applicant responded that “part of it I can’t because someone shot out windows (of the vehicles) so I gotta wait ‘til that is taken care of.”

With regard to a survey map, Mr. Sanford stated he did not have one when he purchased the property as he had a Quit Claim Deed, and was not aware of the alleged right-of-way problem. He may now have an argument with the Assessor regarding its assessed valuation if there’s no use for the property. PZO Weber also commented that the applicant would need approval from the NYS Department of Transportation to park in the right-of-way. Without determination of the ROW’s location, the ZBA is at a loss as to make an assessment as to the application.

Town Attorney Folmer commented that it sounded to him like neither the Board nor the applicant has the information that is needed in order to make a determination. He suggested that the Board could close the Public Hearing and postpone the matter, giving the applicant enough time to provide the information to comply with what the County Planning Board says is lacking.

Chairman Plew asked if there was anyone present who wished to speak regarding the requested variance; there was no one.

**With everyone heard who wished to be heard,
Chairman Plew closed the Public Hearing at 7:17 p.m.**

DISCUSSION/DECISION

After a brief discussion, a motion was made by Member Bilodeau that consideration of the requested Use Variance to allow for a car lot and woodworking shop is postponed until such time as the applicant needs to obtain the necessary information. The motion was seconded by Member Aloï, with the vote recorded as follows:

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| Ayes: | Chairman Plew | Nays: None |
| | Member Finn | |
| | Member Bilodeau | |
| | Member LeFevre | |
| | Member Aloï | |

Motion passed.

This becomes Action #35 of 2015.

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| EXECUTIVE SESSION |
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At 7:23 p.m., a motion was made by Member Finn to recess the regular meeting/Public Hearing and go into Executive Session to discuss pending litigation. The motion was seconded by Member Bilodeau, with the vote recorded as follows:

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| Ayes: | Chairman Plew | Nays: None |
| | Member Finn | |
| | Member Bilodeau | |
| | Member LeFevre | |
| | Member Aloï | |

Motion passed.

This becomes Action #36 of 2015.

At 7:30 p.m., motion was made by Member Aloï to come out of Executive Session to discuss pending litigation and reconvene the regular meeting. The motion was seconded by Member Finn, with the vote recorded as follows:

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| Ayes: | Chairman Plew | Nays: None |
| | Member Finn | |
| | Member Bilodeau | |
| | Member LeFevre | |
| | Member Aloï | |

Motion passed.

This becomes Action #37 of 2015.

Leach Properties, LLC, Applicant/Suit-Kote Corp., Reputed Owner – Lorings Crossing Road – TM #s 77.00-04-11.111 & 112 – Expansion of Junk Yard

A motion was made by Member Finn that the Town of Cortlandville Zoning Board of Appeals agrees to re-open and re-examine this application at its February meeting to allow for the expansion of a junk yard. The motion was seconded by Member Aloï, with the vote recorded as follows:

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| Ayes: | Chairman Plew | Nays: None |
| | Member Finn | |
| | Member Bilodeau | |
| | Member LeFevre | |
| | Member Aloï | |

Motion passed.

This becomes Action #38 of 2015.

ADJOURNMENT

At 7:32 p.m., on a motion by Member Finn, seconded by Member LeFevre, with everyone present voting in the affirmative, the meeting was adjourned.


Joan E. Fitch, Board Secretary

Emailed to KS/KP, Bd. Members, JBF,
BW, DD, DC on 1/21/16.