

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 1 December 2015 – 6:45 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

Bobbie Fox, Applicant; Scott Whitmore for Gutchess Lumber, Applicant; Robert Marks(??)

The Public Hearings were opened at 6:44 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 19 November 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 1, 2015 at 6:45 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 Gutchess Lumber for property located on 3599 NYS Route 281, Tax Map No. 95.12-01-13.000, for a variance in the terms and conditions of Article XVIII, Section 178-112, Table 1, to allow for a building mounted sign to be illuminated.*
2. *In the matter of the application of Bobbie Fox, for property located at the 1608 Oakcrest Street, Tax Map No. 96.36-01-10.000, for a variance in the terms and conditions of Article V, Section 178-21A(1) Bulk Regulations, to allow for a side yard less than allowed.*

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 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.)

PUBLIC HEARING #1

Gutchess Lumber Co., Inc., Applicant/Reputed Owner – 3599 NYS Route 281 – TM #95.12-01-13.000 – Illumination of Building-Mounted Sign

Chairman Plew announced that he had no questions pertaining to this request for an area variance. He then recognized Scott Whitmore, representing the applicant who was seeking a variance to backlight a building-mounted sign as shown on the drawing/photos accompanying the application. The oval sign would face Route 281. Member Lenore LeFevre asked if the sign was going to be backlit for 24 hours; they did not intend to do this. Member John Finn advised that the Board usually limits the illumination of signs, e.g., turned off at 10 a.m. Mr. Whitmore

stated that they would do whatever the Board requested. He also added that they plan on removing the “old post” that used to be there.

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 6:49 p.m.**

DISCUSSION/DECISION

A motion was then made by Member Finn to grant the Area Variance, as requested, to allow for the illumination of a building-mounted sign, as requested, with illumination to be turned off after 10 p.m. The motion was seconded by Member Tom Bilodeau, with the vote recorded as follows:

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

Motion passed.

This becomes Action #31 of 2015.

PUBLIC HEARING #2

Bobbie C. Fox, Applicant/Reputed Owner – 1608 Oakcrest Street – TM #96.36-01-10.000 – Side Yard Less Than Allowed

Chairman Plew recognized the applicant who was seeking an area variance to construct a 12 ft. by 24 ft. carport on her property, as shown on the drawing accompanying the application. Ms. Fox stated she could not locate the proposed carport back on her lot any farther, to conform to the setback requirements, because of the location of the septic tank/leach field. The setback requirement from the side is 9 feet, and there's 5 feet as proposed. She stated that the adjacent neighbor, Mr. Henry, had reviewed what she wanted to do and had no problem with it.

Chairman Plew asked if there was anyone present who wished to comment on the proposed variance; there were none.

**With everyone heard who wished to be heard,
Chairman Plew closed the Public Hearing at 6:41 p.m.**

DISCUSSION/DECISION

A motion was then made by Member Bilodeau to grant the requested area variance to allow for a side yard less than allowed. The motion was seconded by Member LeFevre, with the vote recorded as follows:

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

Motion passed.

This becomes Action #32 of 2015.

APPROVAL OF MINUTES

A motion was made by Member Finn to approve the Minutes of the ZBA Public Hearings held on 28 July, 25 August, 29 September, and 27 October 2015, as submitted. The motion was seconded by Member LeFevre, with the vote recorded as follows:

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

Motion passed.

This becomes Action #33 of 2015.

OTHER BUSINESS**Garage on Delaware, LLC, Applicant/Reputed Owner – 3676 Delaware Avenue – TM #96.06-02-53.000 – Request for Re-Hearing**

Town Attorney John Folmer advised that he had received a letter from Attorney William Pomeroy regarding an application to convert a residential garage into a business use as heard by this Board on 29 September 2015. This variance was denied.

Attorney Folmer read aloud the letter which requested a re-hearing of this application, as additional information is now available.

After considerable discussion, a motion was made by Member Finn that the Town of Cortlandville Zoning Board of Appeals agrees to re-hear the Use Variance request to convert a residential garage into a business use, as requested by Attorney William Pomeroy. The motion was seconded by Member LeFevre, with the vote recorded as follows:

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

Motion passed.

This becomes Action #34 of 2015.

ADJOURNMENT

At 7:15 p.m., on a motion by Member Bilodeau, seconded by Member Joanne Aloï, 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.