

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 25 August 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

Applicants & Public Present

John Stiles, Applicant; Leamon Eaton, Applicant; John Finamore, Applicant; Richard Kearney, John DelVecchio.

Chairman David Plew welcomed new Zoning Board of Appeals member, Joanne Aloï.

The Public Hearings were opened at 6:45 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 12 August 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, August 25, 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 application pursuant to the 1986 Zoning Law:

1. *In the matter of the application of John Stiles for property located at 3589 Parti Drive, Tax Map No. 96.10-01-32.000, for a variance in the terms and conditions of Article V, Section 178-21 A, to allow for a front yard less than allowed.*
2. *In the matter of the application of Leamon Eaton for property located at 1596 Oakcrest Street, Tax Map No. 96.36-01-07.000, for a variance in the terms and conditions of Article V, Section 178-21 A (1), to allow for a front yard less than allowed.*
3. *In the matter of the application of John Finamore, for property located at 3892 Highland Road, Tax Map No. 85.19-01-08.000, for variance in the terms and conditions of Article IV, Section 178-16, to allow for lots with an area 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, NY, or 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**John E. Stiles, Applicant/Stanley & Geraldine Zattosky, Reputed Owners – 3589 Parti Drive – TM #96.10-01-32.000 – Front Yard Less than Allowed**

Chairman Plew stated he “talked to the lady” the other day, and understood that the applicant was replacing the slate. He then asked the applicant, who had approached the Board, if the deck was going to be bigger than the slate; Mr. Stiles responded it was about the same size. The lady advised Chairman Plew that she wanted the slate replaced because it was breaking, and she was afraid she was going to fall. The slate lines up with the deck on the house to the north.

Member Finn asked if the tree was going to be removed and Mr. Stiles said it was not.

Chairman Plew asked if there were any questions from the Board; there were none.

Chairman Plew asked if there was anyone from the audience who wished to speak on this variance request; there were none.

**With everyone heard who wished to be heard,
Chairman Plew closed the Public Hearing at 6:47 p.m.**

DISCUSSION/DECISION

With no further discussion, **a motion was made by Member John Finn to grant the area variance, as requested. The motion was seconded by Member Lenore 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 #23 of 2015.

PUBLIC HEARING #2**Leamon Eaton, Applicant/Leamon & Dorene Eaton, Reputed Owners – 1596 Oakcrest Street – TM #96.36-01-07.000 – Front Yard Less than Allowed**

Chairman Plew asked the applicant, who had approached the Board, if he was covering the patio; he responded yes. Member John Finn asked the applicant to explain the area; is this where you’re putting the addition? Mr. Eaton responded in the affirmative and explained that there would be an overhang on each side. It goes up to the driveway. Chairman Plew commented that this is what he “was looking at the other day, and he thought maybe this was wrong and maybe the building is coming out all the way to the edge of that.” Mr. Eaton explained that there would be two poles across the front.

In response to the Board Secretary’s question, Member Finn explained that the applicant was seeking a variance to construct an open patio which will be covered.

Chairman Plew asked if there was anyone from the audience who wished to speak on this variance request; there was no one who wished to do so.

**With everyone heard who wished to be heard,
Chairman Plew closed the Public Hearing at 6:50 p.m.**

DISCUSSION/DECISION

With no further discussion, **a motion was made by Member LeFevre that the area variance be granted as requested. The motion was seconded by Member Joanne Aloï, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #24 of 2015.

PUBLIC HEARING #3

John M. Finamore, Applicant/Finamore Properties, LLC, Reputed Owner – 3892 Highland Road – TM #85.19-01-08.000 – Lot Sizes Less than Allowed

Chairman Plew recognized the applicant who was seeking an area variance to divide this 1.489±-acre (64,878 SF, measured to the centerline of the road) property into two equal± lots. There is an existing dwelling on the northern portion of this property (a rental), as shown on the survey map accompanying the application. The narrative submitted stated that, in reviewing this proposed subdivision with PZO Weber, he was advised that 30,000 SF was required for a lot, and the measurement should be to the property line; therefore, the lot actually contained 29,652 SF, making it necessary for Mr. Finamore to seek an area variance for the 348 SF he was lacking for each lot. The applicant stated he had purchased the lot 3± years ago with the intention of subdividing it thus in the future since the SF was 64,878 and, he thought, more than enough to meet the Town's lot size requirement.

Mr. Finamore explained that he would like to construct a single-story "spec house," having three-bedrooms, and a basement, possibly for an in-law apartment.

Chairman Plew asked the applicant why would he like to squeeze another house on what is now a nice, expansive lawn. Mr. Finamore objected to the word "squeeze," and Chairman Plew countered that he would use the term "squeezing." Mr. Finamore reiterated that he had purchased the property as an investment and planned on constructing this dwelling.

Chairman Plew asked if there was anyone from the public who wished to speak; they spoke as follows:

Richard Kearney – 3887 Highland Road – Lives across from subject property. Also almost directly across from property owned by DelVecchio which is now rented and another dwelling is being proposed. He opposes granting this variance because what he's staring at, because he lives there and the applicant does not, is a strip mall of virtual rents. Renters do not keep properties up and come and go. Hopes landowners will keep property up. As taxpayer and Highland Road resident, he objects to the granting of the requested variance.

John DelVecchio – Owns property discussed by Mr. Kearney, which is next door to subject. Spoke in favor of granting the variance; it would greatly improve the neighborhood by having another new house. There are some houses that he considers "decrepit."

Member Finn asked Mr. Finamore who took care of the properties, and he responded that he does. He will also keep access to the outbuilding at the back of the property that he uses for storage.

**With everyone heard who wished to be heard,
Chairman Plew closed the Public Hearing at 7:01 p.m.**

DISCUSSION/DECISION

Member LeFevre commented that there are quite a few parcels on the street that contain less than the required 30,000 square feet. PZO Weber affirmed this. Chairman Plew stated he had a problem with “packing houses in” when there’s a nice open area/lawn. PZO Weber stated that, as proposed, the division of the property would meet the minimum lot width required by the Town Code, but what is being proposed does not meet the minimum lot area; that is why an area variance is being applied for.

ZBA Member LeFevre then proceeded with the required questions (balancing test) for an area variance, with the responses being given by the ZBA members, as follows:

1. Can the benefit sought by the applicant be achieved by some other means feasible to the applicant?

Board’s Finding: No - Bilodeau, LeFevre, Finn, Aloï. Abstain - Plew.

2. Will an undesirable change be produced in the character of the neighborhood or to nearby properties?

Board’s Finding: No - Bilodeau, LeFevre, Finn Aloï. Yes - Plew

3. Is the requested area variance substantial?

Board’s Finding: No. All agreed.

4. Will the proposed variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood?

Board’s Finding: No - Bilodeau, LeFevre, Finn Aloï. Yes - Plew_

5. Is the alleged difficulty self-created?

Board’s Finding: Yes. All agreed.

A motion was made by Member John Finn to grant the area variance to allow for lots with an area less than allowed, as requested. The motion was seconded by Member LeFevre, with the vote recorded as follows:

**Ayes: Member Finn
 Member Bilodeau
 Member LeFevre
 Member Aloï**

Nays: Chairman Plew

Motion passed.

This becomes Action #25 of 2015.

ADJOURNMENT

At 7:10 p.m., on a motion by Member Bilodeau, seconded by Member Finn, 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, TW & DC on 11/07/15.