

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 28 July 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
Vacant

Others Present

Bruce Weber, Planning/Zoning Officer
Joan E. Fitch, Board Secretary

Applicants & Public Present

John DeRouchey, Applicant; Attorney Dan Ellis, Applicant; Eric Barden, Dennis & Maria DeRado, Carol Webster. Caitie & Don Sidebottom, Len Kozlowski, Michael & Roxanne Wehnke, Lynne Lash, Carl Pearce, Carl & Olga Savino, Marcus Bernardo (present, but did not sign Attendance Sheet).

In Memory of Board Member Tom Aloï

Chairman Plew acknowledged the recent passing of ZBA Member Tom Aloï. The Board will miss Tom.

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 17 July 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, July 28, 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 Phillip Zerillo for property located at 3957 US Route 11, Tax Map No. 87.13-01-41.100, for a variance in the terms and conditions of Article IX A, Section 178-40.3, to allow for a conversion of a single-family to a multi-family and an open BBQ food establishment.*
2. *In the matter of the application of John DeRouchey for property located at 1994 East River Road, Tax Map No. 77.00-11-05.000, for a variance in the terms and conditions of Article III, Section 178-12 B, to allow for a solar array.*
3. *In the matter of the application of Pomeroy, Armstrong, Casullo & Monty, Attorneys at Law, for property located on Walden Pond Lane, a portion of Tax Map No. 96.00-06-02.100, for variance in the terms and conditions of Article VI, Section 178-25 A (1), to allow for a front yard & rear 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, 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 DeRouchey, Applicant/James Clark, Reputed Owner – East River Road – TM #77.00-11-05.000 – Solar Array**

Chairman Plew recognized the applicant who was seeking a variance to place a solar array on the adjoining property that he owns, as shown on the aerial photographs accompanying the application.

PZO Weber explained that a variance was required as the installation would be on an adjacent vacant parcel also owned by Mr. Clark.

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 6:48 p.m.**

DISCUSSION/DECISION

Chairman Plew stated that he did not like the look of the solar panels. There were no other comments from the Board.

With no further discussion, **a motion was made by Member John Finn to grant a variance for the solar array, 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		

Motion passed.

This becomes Action #19 of 2015.

PUBLIC HEARING #2**Pomeroy, Armstrong, Casullo & Monty, LLP, Applicant/Walden Oaks Country Club, Inc., Reputed Owner – Walden Pond Lane (Lots 143 & 144) – Part of TM #96.00-06-02.100 – Front & Rear Yards Less than Allowed**

Chairman Plew recognized the Attorney Dan Ellis, representing the owner, who presented new (revised) maps to the Board. The owner was seeking an area variance from the required front and rear yard setbacks. The front yard requirement is 35 feet and a setback of 32 feet is being requested. The rear yard requirement is 30 feet and a setback of 21 feet is being requested.

Chairman Plew asked if there was anyone from the audience who wished to speak on this variance request; comments received were as follows:

Marcus Bernardo – Spoke in favor of the area variance. Three feet/nine feet are very small distances. The proposed dwelling to be constructed on the subject parcels (to be combined) will be very nice. (PZO Weber asked distance to proposed deck; Mr. Bernardo said it would be a stone patio, not a deck.)

Dan Sidebottom – Residents are concerned with variance. What type of house will be built? Concerned with closeness to the road. (Board showed map to Mr. Sidebottom

and others from the audience.) We have lot specs for a reason and other variances have been approved, so why do we have the specs? Opposed to granting of variance.

Len Kozlowski – Subject lots have been advertised for a long time. Has no problem with granting of variance. Thinks it will be good use of the property which sits there empty right now. Has no issue with building of house there. In favor of granting variance.

Carl Savino – Spoke in favor a granting variance. Lives in area and has no objection to new house.

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

DISCUSSION/DECISION

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

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

Board's Finding: No. All agreed.

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

Board's Finding: Yes. All agreed.

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. All agreed.

5. Is the alleged difficulty self-created?

Board's Finding: Yes. All agreed.

With no further discussion, **a motion was made by Member Finn that the area variance be granted as requested. 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		

Motion passed.

This becomes Action #20 of 2015.

PUBLIC HEARING #3**Phillip Zerrillo, Applicant/Randy Wood, Reputed Owners – 3957 US Route 11 – TM #87.13-01-41.100 – Convert Single- to Multi-Family & Open BBQ Food Establishment**

PZO Bruce Weber advised those present that Mr. Zerillo originally was going to purchase the subject property; however, the owner is going to sell a portion of the property which includes the house and the trailer to E & V Energy. Therefore, Mr. Zerillo is not interested in purchasing the property. Mr. Wood is willing to lease the property to the applicant for a chicken BBQ should he wish to do so. With the changes indicated, and the lack of the applicant's presence, PZO Weber advised that the most appropriate thing to do at this time would be to deny the variance.

With no further discussion, **a motion was made by Member Bilodeau to deny the use variance to allow for a conversion of a single-family to a multi-family and allow an open BBQ food establishment. The motion was seconded by Member LeFevre, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #21 of 2015.

APPROVAL OF MINUTES - 30 JUNE 2015

A motion was made by Member LeFevre to approve the Minutes of the 30 June 2015 Public Hearings, as submitted. The motion was seconded by Member Bilodeau, with the vote recorded as follows:

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

Motion passed.

This becomes Action #22 of 2015.

ADJOURNMENT

At 7:10 p.m., on a motion by Member Finn, seconded by Member Bilodeau, 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 11/05/15.