

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 30 June 2015 – 6:15 PM
Town Hall Court Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

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

Others Present

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

Applicants & Public Present

Wayne Minihkeim, Applicant; John Lloyd, Applicant; John King, Applicant; Gary Lyon, Applicant; Kathryn Lyon, Joann Zech, Cassandra Cotterill.

The Public Hearings were opened at 6:14 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 18 June 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, June 30, 2015, at 6:15 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 Cortland Regional Medical Center for property located at 4005 West Road, Tax Map No. 86.13-01-16.000, 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 Gary Lyon for property located on Starr Road, Tax Map No. 96.11-01-019.112, for a variance in the terms and conditions of Article V, Section 178-21 B(1), to allow for a storage building with a height greater than 15'.*
3. *In the matter of the application of John & Roxanna Lloyd for property located at 3915 Highland Road, Tax Map No. 85.15-01-19.000, for a variance in the terms and conditions of Article IV, Section 178-17 A (1), to allow for a lot with an area less than allowed.*
4. *In the matter of the application of John King for property located behind 4038 Westmore Lane, Tax Map No. 86.09-01-21.000, for a variance in the terms and conditions of Article IV, Section 178-17, to allow for a solar array on a vacant parcel.*

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**Wayne Minihkeim, Applicant/Cortland Regional Medical Center, Reputed Owner – 4005 West Road – TM #86.13-01-16.000 – Illumination of Building-Mounted Sign**

Chairman Plew recognized Bob Seigart of Shopfer Architects, representing the owner of this existing building who was seeking a variance to illuminate a new sign that was to be placed as shown on the attached photograph depiction and accompanying sketch. PZO Bruce Weber commented that the proposed sign, although larger than what is being replaced, is still within the allowed square footage and, like the previous sign, is to be illuminated.

Member John Finn asked if the proposed sign's illumination would be on a timer, and Mr. Seigart responded that it was on a photocell so would come on when dark, and turn off in daylight. When asked the operating hours of this "Wound Care & Imaging Center," Mr. Shopfer responded that right now they are 8 a.m. to 4 p.m., but may go into the evening eventually. He also added that the illumination of the sign could be put on a timer.

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 6:19 p.m.**

DISCUSSION/DECISION

After a brief discussion, **a motion was made by Member Finn to grant a variance for the illumination of the proposed building-mounted sign, as requested, with the 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	Absent:	Member Aloï

Motion passed.

This becomes Action #14 of 2015.

PUBLIC HEARING #2**Gary Lyon, Applicant/Reputed Owner – Starr Road – TM #96.11-01-01.112 – Storage Barn w/Height Greater than 15 Feet**

Chairman Plew recognized the applicant who was seeking a variance to construct a storage building with a height greater than fifteen feet. Mr. Lyon advised that in order to maintain an adequate pitch on the roof of his new building, the building needs to be higher—not exceeding 20 feet.

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 6:22 p.m.**

DISCUSSION/DECISION

After a brief discussion, **a motion was made by Member Bilodeau to grant a variance for the proposed storage building with a height not to exceed 20 feet. 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	Absent:	Member Aloï

Motion passed.

This becomes Action #15 of 2015.

PUBLIC HEARING #3

John & Roxanna Lloyd, Applicants/Reputed Owners – 3915 Highland Road – TM #85.15-01-19.000 – Lot with Area Less than Allowed w/Extension of Time

Chairman Plew recognized the applicant who was seeking an area variance, plus an extension of time on that variance, to make use of this small vacant lot (85 ft. by 125 ft. lot) which adjoins his parcel containing his present home. A conforming lot contains a minimum of 30,000 SF. In a narrative attached to his application, Mr. Lloyd explained that he and his wife no longer need the size of their present home, and their daughter and family want to purchase it, moving here from Baldwinsville. The Lloyds, in turn, want to construct a pre-manufactured, two-story cabin on this small lot. A pre-constructed foundation would be placed for the cabin, which is a shell and would need a contractor to install electric, water, and sewer services in addition to finishing the interior of the building. The proposed layout of the cabin on the lot, along with floor plans and a photo depicting the cabin, were attached to the application.

In addition, Mr. Lloyd explained that he would like a year extension on the variance so that he could then apply for his Building Permit in 2016.

Chairman Plew asked if there was anyone else 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 6:31 p.m.**

DISCUSSION/DECISION

The Board then discussed the issues and possible alternatives.

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. All agreed.
2. Will an undesirable change be produced in the character of the neighborhood or to nearby properties?
Board's Finding: No, 3 (Plew, Bilodeau, LeFevre); Yes, 1 (Finn).
3. Is the requested area variance substantial?

Board's Finding: Yes. 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 Bilodeau that the area variance be granted as requested, with an extension of one year for applying for a Building Permit. The motion was seconded by Member LeFevre, with the vote recorded as follows:**

Ayes: Chairman Plew
Member Finn
Member Bilodeau
Member LeFevre

Nays: None

Absent: Member Aloï

Motion passed.

This becomes Action #16 of 2015.

PUBLIC HEARING #4

John King, Applicant/Chad & Cassandra Cotterill, Reputed Owners – Behind 4038 Westmore Lane – TM #86.09-01-21.000 – Solar Array on Vacant Parcel

Chairman Plew recognized the applicant who was seeking a variance to construct a 16.5 ft. by 49 ft. ±, solar array on this residential lot (currently agriculturally utilized by Mr. Cotterill) which is adjacent to the lot their house occupies.

Chairman Plew commented that two neighbors had given him negative input regarding what was being proposed. He needed more of a description, so Mr. King stated that the solar array would be constructed about two feet off the ground on approximately 16.5 by 49± SF space, taking up 600 to 625 SF. Gravel would be placed under the panels.

Chairman Plew asked if he, hypothetically, lived across the street and was sitting on his front porch, will it look like those panels which are on SUNY Cortland property along NYS Route 281? Mr. King said they would not, and explained what they would look like. Chairman Plew commented that there was only one home in the neighborhood that would have a direct view.

Chairman Plew then asked what the hardship would be, and Mr. King responded that the installation will save money for electricity. Mrs. Cotterill advised those present that they had received a NYSERTA grant and had made their first month's payment. Without the requested variance, she and her husband would "lose out on the grant." She stated that she had talked with the three neighbors closest to her and they all were in favor of granting the variance. To assure they would have no immediate neighbors, she said that they have purchased the adjacent land from Lee Ambrose.

Chairman Plew asked if there was anyone else 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 6:50 p.m.**

DISCUSSION/DECISION

After a brief discussion, a motion was made by Member Finn to grant a variance to allow for a solar array on a vacant parcel, as requested. The motion was seconded by Member Bilodeau, with the vote recorded as follows:

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

Motion passed.

This becomes Action #17 of 2015.

APPROVAL OF MINUTES - 26 MAY 2015

A motion was made by Member Finn to approve the Minutes of the 26 May 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	Absent:	Member Aloï

Motion passed.

This becomes Action #18 of 2015.

ADJOURNMENT

At 6:53 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 7/22/15.