

**TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS**  
**Public Hearings/Meeting Minutes - Tuesday, 27 June 2017 – 6:45 PM**  
**Town Hall Court Room – 3577 Terrace Road – Cortland, NY**

**Board Members** (\*absent)

David Plew, Chairman  
John Finn, Acting Chairman  
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**

John Diescher, Applicant; Christine Ellis, Applicant; Brenda Diescher, Mark Ellis, David Alexander, Barb O'Brien, Bill Knight, Richard Willis, Charles Dellow, Ken P?? (illegible), Sharon Stevans.

**The Public Hearing was opened at 6:3045 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 15 June 2017, 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 27, 2017 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 John & James Deischer, for property located at 2445 Ames Road, Tax Map No. 78.00-01-16.200, for a variance in the terms and conditions of Article III, Section 178-112 A, to allow for side yards less than allowed.*
2. *In the matter of the application of Christine Ellis, 1794 Route 13, Tax Map No. 77.00-061-41.200, for a variance in the terms and conditions of Article VIII, Section 178-35, to allow for a 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, 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**

**John & James Diescher, Applicants/James Diescher, Reputed Owner – 2445 Ames Road – TM #78.00-01-16.200 – Side Yard Setbacks**

Chairman David Plew commented to John Diescher (only applicant present) that he needed a variance before construction of the building could occur but, when Chairman Plew went by “by your house today, it’s started. You don’t have a variance. So why is construction started?” Mr. Diescher responded there were some holes dug for the proposed hay barn and he needs some place to put the hay. Chairman Plew asked Mr. Diescher if he had a building permit, and Mr. Diescher stated he did not. He also advised that he owns the properties on three sides, and the fourth side is the highway. He did not know he would need a variance when he came in to apply

for a Building Permit. Chairman Plew then advised the appellant, “the law is the law.” PZO Weber, in response to Member John Finn’s question, stated that a variance was needed as the proposed agricultural building will be closer to two of the property lines than the 100 feet required.

Chairman Plew asked if there was anyone from the public who wished to speak regarding this Area Variance; there was no one.

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

#### DISCUSSION/DECISION

Chairman Plew noted that there was no date on the application; PZO Weber commented that this would be taken care of. Chairman Plew then remarked that he did not like the way this was handled.

With no further discussion, **a motion was made by Member Finn to grant the area variance to allow side yard setbacks less than allowed, as requested. The motion was seconded by Member Tom Bilodeau, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Member Finn</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Bilodeau</b>		
	<b>Member Aloï</b>	<b>Abstain:</b>	<b>Chairman Plew</b>
	<b>Member LeFevre</b>		

**Motion passed.**

**This becomes Action #12 of 2017.**

### **PUBLIC HEARING #2**

#### **Christine Ellis (Chopay), Applicant/Reputed Owner – 1794 NYS Route 13 – TM #77.00-01-41.200 – Rear & Side Yard Setbacks**

Chairman Plew announced that before he heard from the applicant, he would read aloud a 26 June 2017 letter sent to this Board and Mrs. Ellis from Attorney Edward Goehler, representing the Cortland Country Music Park whose property was adjacent to the subject property. The letter was written as the CMP Board was concerned that the applicant appeared to be trying to build a structure “of some kind on property that appears to belong to the Music Park.” A copy of this letter has been placed on file for the record.

Mrs. Ellis responded that the proposed shed she wished to construct will be 10 feet from the side and rear property lines. The property is marked with a survey pin that was found. A survey was done when she purchased the property about eight years ago. The maps/photos accompanying the application indicated the proposed location of the 20 ft. by 20 ft. shed; the area variance was needed to avoid the property’s existing leach field.

Chairman Plew asked if there was anyone present from the public who wished to comment on the request; there were, as follows:

Barbara O’Brien (rep of CMP) – In response to Chairman Plew’s question, she stated that the CMP was going to have a survey of their property completed. She added that no permission had been given to the applicant to use the property.

Bill Knight (CMP Board Member) – Went to County Office Building and obtained “most recent” survey maps; it shows that CMP owns the property.

The Board then reviewed the aerial map of the applicant’s property which indicated the proposed location of the shed. A large map was obtained by Mr. Knight and reviewed by the Board and

PZO Weber; PZO Weber stated that the maps “matched up,” and he thought that there did not appear to be any difference between them.

**With everyone being heard who wished to be heard,  
Chairman Plew closed the Public Hearing at 7:12 p.m.**

#### DISCUSSION/DECISION

Chairman Plew stated that the Board was “going to use the survey that was submitted by the applicant.” Member Lenore LeFevre commented that the Music Park had no objection to the variance as long as the shed is placed on the applicant’s property. Perhaps the appellant should wait until the CMP’s survey is complete, but that decision would be up to her. Town Attorney John Folmer commented that this Board has before them a representation that the appellant wants to have the construction on her property. “If you grant the variance and she constructs the building which you’ve permitted, and it turns out to be in error, then she has done that at her risk, and there are remedies for that stipulation.” Mrs. Ellis stated that she understood this.

At the conclusion of the discussion, **a motion was made by Member LeFevre to grant the area variance to construct a shed no less than ten feet from the side and rear boundary lines, as requested. The motion was seconded by Member Joanne Aloï, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Plew</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Finn</b>		
	<b>Member Bilodeau</b>		
	<b>Member Aloï</b>		
	<b>Member LeFevre</b>		

**Motion passed.**

**This becomes Action #13 of 2017.**

#### **APPROVAL OF MINUTES – 25 APRIL 2017**

**A motion was made by Member Bilodeau to approve the Minutes of the 25 April 2017 Zoning Board of Appeals meeting, as submitted. The motion was seconded by Member Finn, with the vote recorded as follows:**

<b>Ayes:</b>	<b>Chairman Plew</b>	<b>Nays:</b>	<b>None</b>
	<b>Member Finn</b>		
	<b>Member Bilodeau</b>		
	<b>Member LeFevre</b>	<b>Abstain:</b>	<b>Member Aloï</b>

**Motion passed.**

**This becomes Action #14 of 2017.**

#### **ADJOURNMENT**

At 7:20 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, Bd. Members, JBF,  
BW, DD, DC, KM on 8/17/17.