

**TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS**  
**Public Hearings/Meeting Minutes - Tuesday, 29 August 2017 – 6:30 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

**Applicants & Public Present**

Michael Carroll, Applicant; Martin Marble for MGM Auto Sales, Applicant; June Carroll.

**The Public Hearings were opened at 6:30 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 17 August 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, August 29, 2017 at 6:30 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 E & V Energy, for property located at 3951 Route 11, Tax Map No. 87.13-01-41.200, for a variance in the terms and conditions of Article IX A, Section 178-40.4, to allow for the bulk storage of petroleum.*
2. *In the matter of the application of Michael Carroll for property located on Tower Road, Tax Map No. 106.00-06-05.120, for a variance in the terms and conditions of Article III, Section 178-11, to allow for a storage building.*
3. *In the matter of the application of MGM Auto Sales for property located at 3998 & 4002 West Road, Tax Map No. 86-13-01-21.100, for a variance in the terms and conditions of Article XVIII, Section 178-111 B & 112, Table 1, for a greater number of signs closer to property line and with a height greater 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****E & V Energy, Applicant/Reputed Owner – 3951 US Route 11 – TM #87.13-01-41.20 – To Allow for Bulk Storage of Petroleum**

Planning/Zoning Officer Bruce Weber advised that the Board's role regarding this application is to request that the Cortlandville Town Board to act as Lead Agency under SEQRA.

With no further discussion, **a motion was made by Member John Finn that the Town of Cortlandville Zoning Board of Appeals requests that the Town Board act as Lead Agency under SEQRA regarding the application to allow for bulk storage of petroleum. 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 #16 of 2017.**

**PUBLIC HEARING #2****Michael Carroll, Applicant/Michael & June Carroll, Reputed Owners – Tower Road – TM #106.00-06-05.120 – Proposed Storage Building**

Chairman David Plew recognized Mr. Carroll and asked the Board if they had any questions. Member John Finn stated he had visited the site and asked the appellant what it was that he wished to do. Mr. Carroll explained that he wanted to place a 14 by 20 ft. storage building on this parcel which he has owned for ten years and mows. He stated it would be much easier to keep his tractor right on the site that he mows; furthermore, he and his wife plan to construct a small home on the lot in the future and the proposed storage building would also be used for storage while he works on the building. He does not own any adjoining property.

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

**With everyone being heard who wished to be heard,  
Chairman Plew closed the Public Hearing at 6:37 p.m.**

**DISCUSSION/DECISION**

Chairman Plew remarked that the site is not very visible and had no problem with the request.

With no further discussion, **a motion was made by Member Tom Bilodeau to approve the use variance for the proposed storage building, as requested. The motion was seconded by Member 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 #17 of 2017.**

**PUBLIC HEARING #3****MGM Auto Sales, Applicant/Martin & Terry Marble, Reputed Owners – 3998 & 4002 West Road (NYS Route 281) – TM #86.13-01-21.100 – Signs**

Chairman David Plew recognized Mr. Marble who was seeking a variance for a greater number of signs closer to the property line and with a height greater than allowed. The Chair then asked for questions from the Board.

Member Finn commented that he did not quite understand what the appellant wanted. Board members then discussed what they thought was being sought. Board Member Aloï commented about similar requests that had come before this Board and asked PZO Weber his thoughts on the matter. PZO Weber answered that the Board should be consistent and refreshed their memory as to what had been done previously.

Mr. Marble stated he had measured from the curb; PZO Weber advised that this was not the right-of-way line and that the regulation states “15 feet from any property line.” Mr. Marble stated if he used this measurement, “it would put it in the middle of the print shop sign.” The signs are 41 inches off the ground to keep them out of the snow/dirt. The banner-type sign (shown in the application packet) is about 11 feet high. PZO Weber commented that eight feet is the maximum height. Chair Plew stated that in order for the applicant to be conforming, the signs should be a maximum of eight feet in height and located fifteen feet from the front property line.

PZO Weber suggested to the applicant that he may want to check with the NYSDOT Office on Route 281 to determine exactly where their right-of-way line is. Mr. Marble then discussed the problems with conforming to the requirements, especially since the State had taken some of his frontage with their new construction on Route 281.

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

**With everyone being heard who wished to be heard,  
Chairman Plew closed the Public Hearing at 6:46 p.m.**

**DISCUSSION/DECISION**

Member Bilodeau stated he felt it would be a hardship to have the signs conform to the requirements especially pertaining to the setback.

The Board then proceeded with the required questions (balancing test), with the responses being given by the ZBA members, as follows:

1. Can the benefit be achieved by other means feasible to the applicant?  
Finding: No. All Board members present agreed.
2. Would there be an undesirable change in neighborhood character or to nearby property?  
Finding: No. All Board members present agreed.
3. Is the requested variance substantial?  
Finding: No. The majority (4) of Board members present agreed.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?  
Finding: No. All Board members present agreed.
5. Has the alleged difficulty been self-created.  
Finding: No. The State took part of the property’s road frontage.

Chairman Plew commented that he had no problem with the request, but that he did not want to start a precedent; PZO Weber stated that the Board should look at each application individually. Member Finn commented that there are other car dealers in the vicinity. Member LeFevre said she had no problem with the request. The Board then, once again, reviewed the variance request. In discussion with Mr. Marble, he stated that he could drop down the height a bit and, since the signs only last a couple of years, he would be glad to replace them with something shorter.

At the conclusion of the discussion, **a motion was made by Member Bilodeau to grant the area variance for a greater number of signs closer to the property line and with a greater height than allowed, with flags to be lowered by one foot and, if replaced, must be no higher than eight (8) feet. 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 Aloï</b>		
	<b>Member LeFevre</b>		

**Motion passed.**

**This becomes Action #18 of 2017.**

**Chad Westmiller, Applicant/Chad & Stephanie Westmiller, Reputed Owners – 1341 Starr Road – TM #96.11-01-08.000 – Storage Shed in Front Yard & Front Yard Setback**

This item was on the July Agenda for this Board; the applicant was not present.

At that time, Chairman Plew asked if there was anyone from the public who wished to speak regarding this Area Variance; there was no one. The Public Hearing was closed, with the matter postponed until this meeting.

PZO Weber advised that Mr. Westmiller has now withdrawn his appeal.

**No Action Required.**

**APPROVAL OF MINUTES – 27 JUNE & 25 JULY 2017**

**A motion was made by Member Finn to approve the Minutes of the 27 June and 25 July 2017 Zoning Board of Appeals meetings, as submitted. The motion was seconded by Member LeFevre, 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 #19 of 2017.**

**ADJOURNMENT**

At 7 p.m., on a motion by Member Bilodeau, seconded by Member Aloï, 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 10/18/17.