

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 26 September 2017 – 6:00 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

Carrie Contento, Applicant; Ben Locke, Applicant; Vincent Salvagni for UCK Three, LLC, Applicant; Zach Plonka, Olivia, Ayla, Mya & Kelley Locke; Sharon Stevans, Videographer.

The Public Hearings were opened at 6 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 14 September 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, September 26, 2017 at 6:00 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 Carrie Contento, for property located at 3660 Page Green Road, Tax Map No. 96.12-01-04.000, for a variance in the terms and conditions of Article V, Section 178-20, to allow for two goats in an R-2 District.*
2. *In the matter of the application of UCK Three, LLC, for property located at 3861 Route 281, Tax Map No. 86.17-01-11.100, for a variance in the terms and conditions of Article XVIII, Section 178-11F & 112, Table 1, to allow for a building sign to extend above the roof, a greater number of building-mounted signs to be illuminated, and a free-standing sign with a height greater than allowed.*
3. *In the matter of the application of Ben Locke, for property located at 981 Route 222, Tax Map No. 86-13-01-440100, for a variance in the terms and conditions of Article IV, Section 178-17 B (1) & 112, Table 1, for an accessory building with 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**Carrie Contento, Applicant/Reputed Owner – 300 Page Green Road – TM #96.12-01-04.000 – Use Variance To Allow for Two Goats in an R-2 District**

Chairman Plew recognized the applicant who was seeking a use variance to own two miniature goats, as pets, on her property. She stated she and her family would like to build a small pen away from the road, under the back deck. In the winter, they would be housed in their garage and in a pen in their basement. The goats, one male and one female, both to be “fixed,” will be kept as family pets. The miniature goats are about one foot high, she said and, when mature would weight about 30 lbs. A photo of the goats accompanied the application. The goats are walked on a leash, like their dog.

Member Tom Bilodeau asked PZO Bruce Weber about the Code regarding the goats, and PZO Weber responded that they are considered farm animals; since they will not be kept in the house, he stated it was difficult to make a determination if they were pets, like a dog, but it was entirely up to the ZBA how it was interpreted.

Ms. Contento stated she has an arrangement with the people at the farm in Virgil that if doesn’t work out and they need to be on a farm, they can go back there.

Chairman Plew 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 6:08 p.m.**

DISCUSSION/DECISION

Chairman Plew remarked that he looked at the goats as pets.

After a brief discussion, **a motion was made by Member Lenore LeFevre that the Town of Cortlandville Zoning Board of Appeals overrules the interpretation of the Planning/Zoning Officer that a Use Variance is required, and the ZBA considers the two miniature goats as pets. The motion was seconded by Member John Finn, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #20 of 2017.

PUBLIC HEARING #2**Ben Locke, Applicant/Ben & Kelley Locke, Reputed Owners – 981 NYS Route 222 – TM #86.17-01-11.100 – Proposed Accessory Building**

Chairman David Plew recognized the applicant who was seeking a variance to place a 26 ft. by 36 ft. pole barn with a metal roof at the rear of his house (attached to his existing garage), as shown on the map accompanying the application. The proposed building will be used for storage. The lean-to will be removed. A variance is needed because the proposed location of the pole barn is closer to the property line than allowed.

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 6:3716 p.m.**

DISCUSSION/DECISION

ZBA Member Joanne Aloï then read aloud the Balancing Test questions; the responses were recorded by PZO Weber, with a copy placed on file for the record.

With no further discussion, **a motion was made by Member Tom Bilodeau to approve the area variance for the proposed storage building, as requested. The motion was seconded by Member Aloï, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #21 of 2017.

PUBLIC HEARING #3

UCK Three, LLC, Applicant/Reputed Owner – 3861 NYS Route 281 – TM #86.17-01-11.100
– Signs

Chairman David Plew recognized Vincent Salvagni, representing the applicant who was seeking a variance for a building sign to extend above the roof, a greater number of building-mounted signs to be illuminated, and a free-standing sign with a height greater than allowed. A complete set of proposed signage plans accompanied the application. Mr. Salvagni stated it was important to have a consistent look among their multiple dealerships and also to compete with the other auto dealerships in the immediate area.

The signs were thoroughly reviewed by the ZBA members, assisted by Mr. Salvagni. At the conclusion of an extensive discussion, Chairman Plew 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 6:47 p.m.**

DISCUSSION/DECISION

The Board discussed alternatives and carefully developed their motion.

At the conclusion of this lengthy discussion, **a motion was made by Member Bilodeau to grant the variance for the signage as submitted, except removing the sign on the south end of the building, removing the sign immediately to the right of it on the front (UsedCarKing.com); free-standing sign is allowed to be 24 feet high; the two-faced orange sign is allowed to extend six (6) feet above the roofline of the building; removing UsedCarKing.com sign on the Luker Road side of the building; and remaining signs are allowed to be illuminated as requested, with illumination to be turned off one hour after**

closing. The motion was seconded by Member Finn, with the vote recorded as follows:

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

Motion passed.

This becomes Action #22 of 2017.

ADJOURNMENT

At 7:16 p.m., on a motion by Member Aloï, seconded by Member Finn, 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 10/26/17.