

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Tuesday, 26 June 2018 – 7 PM
Town Hall Court Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

John Finn, Chairman
David Plew
Thomas Bilodeau
Joanne Aloï
Bernice Potter-Masler

Others Present

Bruce Weber, Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John B. Folmer, Town Attorney

Applicants & Public Present

Glen Anderson for KAJEN, LLC, Applicant; Rose & Richard Bottoff, John Reynolds, Dennis Rew.

The Public Hearing was opened at 7 p.m. by Chairman John Finn, who read aloud the Legal Notice as published in the *Cortland Standard* on 13 June 2018, 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 26, 2018 at 7 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 KAJEN, LLC, for property located on the northeast corner of Webb Road & NYS Route 13, Tax Map No. 105.00-04-04.200, for a variance in the terms and conditions of Section 178-112 B 4, to allow for an off-premise sign with a height greater than allowed.*

The above application is 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.

John Finn, Chairman
Zoning Board of Appeals

(Note: Proof of Publication has been placed on file for the record.)

PUBLIC HEARING

KAJEN, LLC, Applicant/Reputed Owner – NE Corner Webb Road & NYS Route 13 – TM #105.00-04-04.200 – Area Variance – Sign Height Greater Than Allowed

Chairman John Finn recognized Glen Anderson, part owner of KAJEN, LLC, who was seeking an Area Variance to erect an off-premises sign on the subject parcel at a height greater than allowed. The proposed sign would be 14 feet in height, and only 8 feet is allowed. Mr. Anderson stated that the existing sign on the adjacent parcel (in the Town of Virgil) was not visible “coming from Dryden.” Therefore, they would like to move the sign onto their adjacent property. PZO Bruce Weber clarified that a variance was needed for the sign height only; an off-premises sign is allowed in the Town’s Business District, with a maximum height of eight feet and total area of 75 square feet. The area of the proposed sign is less than 75 square feet.

Mr. Anderson advised everyone that the exact same sign that exists on the adjacent parcel is the one that they are proposing to move a distance of 125± feet from its present location on Webb Road to their Town of Cortlandville parcel. They will not have two signs for this Sunoco station.

Chair Finn asked if there was anyone from the public who wished to speak on this matter; there were, as follows:

Richard Bottoff – 2943 Webb Road – Lives across Webb Road from the Sunoco station. He submitted a Petition which expressed “strong opposition” to granting of the requested variance, signed by himself and nine of his neighbors. The existing sign is very bright. The Petition, which has been placed on file for the record, sets forth the objections to granting of the requested area variance. Chairman Finn advised Mr. Bottoff that the existing sign in the Town of Virgil would be moved 125± feet farther away from Webb Road.

**With everyone being heard who wished to be heard,
Chair Finn closed the Public Hearing at 7:08 p.m.**

DISCUSSION/DECISION

After a brief discussion, Member Joanne Aloï proceeded with the required questions (balancing test) for an area variance; the responses given by the ZBA members, were as follows:

1. Would there be an undesirable change in neighborhood character or to nearby properties?

Finding: Yes, based on the Petition received, and no hardship has been demonstrated. All Board members present agreed.

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

Finding: Yes (Finn, Bilodeau, Aloï, Potter-Masler)—if it was in compliance. No (Plew).

3. Is the requested variance substantial?

Finding: Yes; 8-foot height v. 14-foot height. All Board Members present agreed.

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

Finding: No (Finn, Bilodeau, Aloï, Potter-Masler), less impact as it is proposed to move it 125 ft. farther from Webb Road. Yes (Plew).

5. Has the alleged difficulty been self-created?

Finding: Yes. All Board members present agreed.

At the conclusion of the test, **a motion was made by Member David Plew to deny the area variance for an off-premise sign with a height greater than allowed. The motion was seconded by Member Bernice Potter-Masler, with the vote recorded as follows:**

Ayes:	Chairman Finn	Nays:	None
	Member Plew		
	Member Bilodeau		
	Member Aloï		
	Member Potter-Masler		

Motion passed.

This becomes Action #11 of 2018.

APPROVAL OF MINUTES – 27 MARCH 2018

A motion was made by Member Bilodeau to approve the ZBA Minutes of 27 March 2018, as submitted. The motion was seconded by Member Potter-Masler, with the vote recorded as follows:

Ayes:	Chairman Finn	Nays:	None
	Member Bilodeau		
	Member Potter-Masler	Abstain:	Member Plew
			Member Aloï

Motion passed.

This becomes Action #12 of 2018.

ADJOURNMENT

At 7:20 p.m., on a motion by Member Aloï, seconded by Member Bilodeau, with everyone present voting in the affirmative, the meeting was adjourned.


Joan E. Fitch, Board Secretary

Emailed to KRP, Bd. Members, JBF,
BW, DD, DC, KM on 7/3/18.