

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 25 September 2018 – 5:45 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

Kolby Avery, Applicant; Barbara Peterson & William Main, Applicants; Ed Wilson, Applicant; Gary Sloan for Squeaky Clean Car Wash, Applicant; Scott Steve, Applicant.

The Public Hearings were opened at 5:45 p.m. by Chairman John Finn, who read aloud the Legal Notice as published in the *Cortland Standard* on 13 September 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, September 25, 2018 at 5:45 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 Kolby Avery, for property located at 3618 Munson Avenue, Tax Map No. 96.09-02-34.000, for a variance in the terms and conditions of Section 178-21, to allow for a Manufactured Home with side & rear yards less than allowed.*
2. *In the matter of the application of Barbara Peterson & William Main, for property located at 4118 McGraw-North Road, Tax Map No. 88.11-01-08.000, for a variance in the terms and conditions of Section 178-13, to allow for an Accessory Building with side & rear yards less than allowed & lot coverage greater than allowed.*
3. *In the matter of the application of Ed Wilson (Walmart), for property located at 819 Bennie Road, Tax Map No. 105.00-02-07.000, for a variance in the terms and conditions of Section 178-112, Table 1, to allow for a greater number of building-mounted signs than allowed with illumination.*
4. *In the matter of the application of Squeaky Clean Car Wash, for property located at 1081 NYS Route 222, Tax Map No. 86.13-01-30.000, for a variance in the terms and conditions of Section 178-11 B, to allow for a free-standing sign closer to property line than allowed.*
5. *In the matter of the application of Joe Reagan & Scott Steve, for property located at 3901 NYS Route 281, Tax Map No. 86.17-01-02.111, for a variance in the terms and conditions of Section 178-13, Table 2 & 111B, to allow for a greater number of free-standing signs closer to property line than allowed 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.

John Finn, Chairman
Zoning Board of Appeals

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

PUBLIC HEARING #1

Kolby W. Avery, Applicant/Reputed Owner – 3618 Munson Avenue – TM #96.09-02-34.000 – Use Variance – Manufactured Home in R-2 District

Chairman Finn then recognized the applicant who explained that he was seeking a variance to place a manufactured home in an R-2 (Residential) District. The property contains a vacant, dilapidated single-family residence with an accessory garage, which he purchased at a tax auction. His original intent was to refurbish the house/property into livable condition, but after commencing the cleanout, he discovered it was in such bad condition that he would have to completely replace the existing home, which had a badly damaged foundation, with a single- or double-wide manufactured home. He would also remove some trees. He included sketches with both sizes of homes shown on the lot. The double-wide is preferred, but if not approved, would like single-wide manufactured home. PZO Weber added that the applicant would also need a variance for a side-yard setback if a double-wide home was approved.

Chairman Finn asked if there was anyone present who wished to comment on this variance request, and there was no one.

With everyone who wished to be heard having been heard, Chairman Finn closed the Public Hearing at 5:58 p.m.

DISCUSSION/DECISION

Member Plew stated that he preferred the double-wide and would not “go along with a single.”

As requested by Chairman Finn, Member Joanne Aloï proceeded with the required questions (balancing test) for a use variance; the responses given by the ZBA members, were as follows:

1. Has the applicant demonstrated that the applicant cannot realize a reasonable return and that the lack of return is substantial and has been demonstrated by competent financial evidence?

Finding: Board thought there was certainly evidence of a hardship. All Board members present agreed, with the exception of Member Plew. (Four yes; one no.)

2. Has the applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.?

Finding: Yes, it is unique. All Board members present agreed.

3. Has the applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood.?

Finding: Yes, it will alter it, but in a positive way. All Board Members present agreed, except Member Plew who stated only if a double-wide was there. (Four yes; one no.)

4. Has the applicant demonstrated that the alleged hardship has not been self-created?

Finding: Yes. All Board members present agreed.

At the conclusion of the test, a motion was made by Member Bernice Potter-Masler to grant the use variance for a double-wide manufactured home, as submitted.. The motion was seconded by Member Aloï, 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 #21 of 2018.

PUBLIC HEARING #2

Barbara Peterson & William Main, Applicants/Reputed Owners – 4118 McGraw-North Road – TM #88.11-01-08.000 – Area Variance for Setbacks & Lot Coverage

Chairman Finn recognized the applicants who explained that they would like to construct a two-car garage on this parcel for their son's use, as explained in the narrative accompanying the application. The existing garage is too small/short for storing his boat. They explained that both of their neighbors also have existing buildings behind their houses, and "this would be keeping in line with these."

Member Aloï reported she had visited the property and observed the stakes in the ground that indicated where the proposed garage would be constructed.

Chairman Finn asked if there was anyone present who wished to comment on this variance request, and there was no one.

With everyone who wished to be heard having been heard, Chairman Finn closed the Public Hearing at 6:11 p.m.

DISCUSSION/DECISION

With no further discussion, a motion was then made by Member Plew to grant the area variance for the accessory building with side and rear yards less than allowed, and lot coverage greater than allowed, as requested. The motion was seconded by Member Tom Bilodeau, 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 #22 of 2018.

PUBLIC HEARING #3

Ed Wilson, Applicant/Walmart Stores, Inc., Reputed Owner – 819 Bennie Road – TM #105.00-02-07.000 – Area Variance for Signage

Chairman Finn recognized the applicant who explained that owner, Walmart Stores, was seeking a variance to add a non-illuminated sign, and one illuminated sign, both building-mounted, as explained and shown in the documents accompanying the application.

Chairman Finn asked if there was anyone present who wished to comment on this variance request, and there was no one.

With everyone who wished to be heard having been heard, Chairman Finn closed the Public Hearing at 6:20 p.m.

DISCUSSION/DECISION

With no further discussion, a **motion was then made by Member Plew to grant the variance for a greater number of building-mounted signs than allowed, with illumination, as requested. The motion was seconded by Member Aloï, 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 #23 of 2018.

PUBLIC HEARING #4

Squeaky Clean Car Wash, Applicant/My Ryan, LLC, Reputed Owner – 1081 NYS Route 222 – TM #86.13-01-30.000 – Area Variance for Sign Too Close to Property Line

Chairman Finn recognized Gary Sloan, representing the applicant who was seeking a variance to re-install their existing “main” sign that had to be moved as a result of the NYSDOT’s widening of the highways at this intersection with NYS Route 281, as explained in the 6 September 2018 narrative accompanying the application. The new car wash property lines have been moved back, and if the sign was placed at the proper setback from this new line, it would fall within the middle of the car wash lot where cars queue up for the wash stalls. The subject sign is the one that existed before the taking, but it would be mounted on a new concrete base, as shown on the sketch accompanying the application. The proposed location would be closer to the property line than allowed; the height is “grandfathered in.”

Chairman Finn asked if there was anyone present who wished to comment on this variance request, and there was no one.

With everyone who wished to be heard having been heard, Chairman Finn closed the Public Hearing at 6:25 p.m.

DISCUSSION/DECISION

With no further discussion, a **motion was then made by Member Aloï to grant the variance for a free-standing sign closer to the property line than allowed, as requested. The motion was seconded by Member 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 #24 of 2018.

PUBLIC HEARING #5

Joe Reagan & Scott Steve, Applicants/3901 NYS Route 281, LLC, Reputed Owner – 3901 NUS Route 281 – TM #105.00-02-07.000 – Variance for Signage

Chairman Finn recognized Scott Steve, representing the owner, was seeking a variance to allow for a greater number of free-standing signs closer to property line than allowed and with a height greater than allowed, all as explained and shown in the documents accompanying the application. The signage involves sales of two makes of vehicles, Nissan and Subaru, with each one having specific requirements for their signage. PZO Weber advised that it didn't matter about the individual manufacturers, "you're looking at the site and what they are asking for total signage." The size of the sign and the illumination of the building-mounted signs, and the number of building-mounted signs are what are at issue, he said.

Chairman Finn asked if there was anyone present who wished to comment on this variance request, and there was no one.

With everyone who wished to be heard having been heard, Chairman Finn closed the Public Hearing at 6:40 p.m.

DISCUSSION/DECISION

Chairman Finn stated he visited the site(s) and they appeared to be like two separate businesses. The Board members discussed all the parameters, neighboring dealership signs, and reviewed the signage chart appearing in the Signage Proposal narrative accompanying the application.

At the conclusion of a lengthy discussion, a **motion was made by Member Aloï to grant the variance for the signage, as requested. The motion was seconded by Member Bilodeau, 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 #25 of 2018.

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 KRP, Bd. Members, JBF,
BW, DD, DC, KM on 10/27/18.