

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Tuesday, 26 March 2019 – 6:30 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 DelVecchio, Town Attorney

Applicants & Public Present

Kaye Liddington Hall, Applicant; Darryl Hall.

The Public Hearing was opened at 6:30 p.m. by Chairman John Finn, who read aloud the Legal Notice as published in the *Cortland Standard* on 13 March 2019, 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, March 26, 2019 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 application pursuant to the 1986 Zoning Law:

1. *In the matter of the application of Kaye Liddington Hall, for property located on 1428 Ely Road, Tax Map No. 106.00-01-46.000, for a variance in the terms and conditions of Section 178-11, to allow for Dog Kennel in an Agricultural District.*

The above application is on our website at www.cortlandville.org or 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

Kaye Liddington Hall Applicant/Reputed Owner – 1429 Ely Road – TM #106.00-01-46.000 – Use Variance – Dog Kennel

Chairman John Finn recognized the applicant who was seeking a use variance to operate a Dog Kennel on their five-acre property which lies in an Agricultural District. Mrs. Hall explained that she has a Purebred Dog License for five adult AKC-registered Labrador Retrievers used for breeding. The registered puppies are sold for pets, and she and her husband donate some to a Dogs-to-Vets program in Chittenango as service dogs. Every litter produced is usually spoken for before they are born.

Aerial photo accompanying the application was reviewed by the Board; PZO Bruce Weber explained that a dog kennel was not a permitted use in an Ag District, thus the need for a use variance.

At the conclusion of the Hall's presentation, Chairman Finn asked if there was anyone present who wished to comment on the matter; there was no one.

**With everyone being heard who wished to be heard,
Chairman Finn closed the Public Hearing at 6:47 p.m.**

DISCUSSION/DECISION

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: None. Town Attorney DelVecchio commented that this form is confusing and should be made clearer. He concluded that the appellant should provide some sort of financial evidence.

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: Aye. All 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: Aye. All members present agreed.

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

Finding: None.

Board members felt that they needed more information to complete the Balancing Test.

As a result, **a motion was made by Member Aloï to postpone any action on this request for a use variance for a dog kennel in an Agricultural District until the next available meeting to allow the applicant time to provide additional information. The motion was seconded by Member Bernice Potter-Masler, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #7 of 2019.

Approval of Minutes – 19 February 2019

A motion was made by Member Potter-Masler to approve the Minutes of this Board's 19 February 2019 meeting, as submitted. The motion was seconded by Member Aloï, with the vote recorded as follows:

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

Motion passed.

This becomes Action #8 of 2019.

ADJOURNMENT

At 7:15 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, JD,
BW, DD, DC, KM on 4/14/19.
Rev. #7 (removed 3 repeated words); TB absent. 4/16/19-2.