

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Tuesday, 4 February 2020 – 6:45 PM
Town Hall Court Room – 3577 Terrace Road – Cortland, NY

Board Members (*absent)

John Finn, Chairman
Thomas Bilodeau
Joanne Aloï
Bernice Potter-Masler
Carlos Karam

Others Present

Bruce Weber, Planning/Zoning Officer
Joan E. Fitch, Board Secretary
John DelVecchio, Town Attorney
Tom Williams, Town Supervisor

Applicants & Public Present

Luke Rotunno, Applicant; Eric Barden, Marie Kautz, Karen Cleveland, Don Niver, Andrew Porter.

The Public Hearing was opened at 6:45 p.m. by Chairman John Finn, who read aloud the Legal Notice as published in the *Cortland Standard* on 15 January 2020, 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, February 74 2020 at 6:45 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 Luke Rotunno for property located on Walden Pond Lane, Tax Map No. 96.00-06-02.100, for a variance in the terms and conditions of Section 178-54 Bc, R-2 Bulk Regulations to allow for a front and rear yard less than allowed.*

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 #1

Luke Rotunno, Applicant/Reputed Owner – Walden Pond Lane – TM #96.00-06-02.100 – Front & Rear Yard Setbacks Less Than Allowed

(Reference is made to the Minutes of the 7 January 2020 ZBA meeting for further information on this appeal. At that time, the appeal was withdraw by the owner.)

Chairman Finn recognized Eric Barden and Luke Rotunno. Mr. Barden explained that they would like a variance to change the required setbacks for this property, as shown on the map accompanying the application. There's a purchase offer for the subject property, but a variance was being sought from the required setbacks in order to build a house on it, as the house would fall too close to the property lines due to the shape/size of the lot. They would like a 20-foot setback from the front and the rear lot lines. The purchase offer is conditioned upon receipt of the variance.

Chairman Finn asked about drainage on the subject parcel, and Mr. Barden responded that even with construction of the proposed home, the drainage would not change. Water drains to the opposite side of the road and into the pond; it's not an issue, he said. The subject lot was created back in 2016 when the golf course sold off some of its property.

A map was shown to Board members and PZO Bruce Weber explained that was the map submitted to the Town Planning Board when the subdivision application was made, and it showed a house that would fit on the lot without needing a variance. Mr. Barden commented that the map was not correct. He did not know who created the map.

Member Joann Aloï commented that the proposed house on this lot was too big. An adjacent lot was brought up that was also sold by the golf course, and it was noted that this lot also needed a variance to construct a home on it; the variance was granted for a 32 ft. front setback and a 20 ft. rear setback.

Chairman Finn asked if there was anyone present from the public who wished to comment on the matter; there was, as follows:

Karen Cleveland = 954 Walden Pond Lane – Purchased 25 years ago for the view and was told at that time that no one would ever build on this space. She then reviewed a map with PZO Weber and Chairman Finn. Objects to granting of the variance.

Marie Kautz – 3283 Walden Oaks Boulevard – Has lived for 15 years across the street from subject property. Likes view that is available to everyone. New home would obstruct the view as it's a large house, three levels. It's close to the road and out of character with the neighborhood. Other lots are conforming. It's a wide-open, attractive neighborhood with expansive lawns. She reviewed the appellant's responses to the Balancing Test (on file). Variance requested is substantial. What occurs on that property impacts the whole neighborhood. There are feasible alternatives and it's also self-created as the owner should have considered everything when he bought it. Eric Barden responded that any conforming home constructed there would still constrict her view.

**With everyone being heard who wished to be heard,
Chairman Finn closed the Public Hearing at 7:12 p.m.**

DISCUSSION/DECISION

At the request of Chairman Finn, 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 property?

Finding: Yes. All Board Members present agreed.

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

Finding: Yes. All Board members present agreed.

3. Is the requested variance substantial?

Finding: Yes. All 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: Members Bilodeau & Karam – No; Members Aloï, Potter-Masler and Chairman Finn – Yes.

Chairman Finn acknowledged receipt of letters objecting to granting of the variance from Paulette Fry and Carol Foster (3310 Wellington Drive) and Johanna R. Ames and Matthew T. Coats (972 Beechwood Lane). These letters have been placed on file for the record.

Town Attorney John DelVecchio stated that the Board's responses in the Balancing Test do not formulate their decision.

At the conclusion of the test and their discussion, **a motion was made by Member Aloï to deny the area variance, as requested, for front and rear yard setbacks less than allowed. The motion was seconded by Member Potter-Masler, with the vote recorded as follows:**

Ayes:	Member Aloï	Nays:	Chairman Finn
	Member Potter-Masler		Member Bilodeau
			Member Karam

Motion failed.

This becomes Action #2 of 2020.

A motion was then made by Member Bilodeau to grant the area variance, as requested, for front and rear yard setbacks less than allowed. The motion was seconded by Member Carlos Karam, with the vote recorded as follows:

Ayes:	Chairman Finn	Nays:	Member Aloï
	Member Bilodeau		Member Potter-Masler
	Member Karam		

Motion carried.

This becomes Action #3 of 2020.

APPROVAL OF MINUTES

A motion was made by Member Aloï to approve the ZBA Minutes of 3 December 2019 and 7 January 2020, as submitted. The motion was seconded by Member Bilodeau, with the vote recorded as follows:

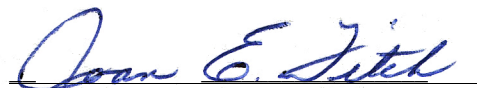
Ayes:	Chairman Finn	Nays:	None
	Member Bilodeau		
	Member Aloï	Abstain:	Member Karam
	Member Potter-Masler		

Motion carried.

This becomes Action #4 of 2020.

ADJOURNMENT

At 7:30 p.m., on a motion by Member Bilodeau, seconded by Member Potter-Masler, with everyone present voting in the affirmative, the meeting was adjourned.


Joan E. Fitch, Board Secretary

Draft emailed to KRP, PR, Bd. Members, JD,
BW, DD, DC, KM on 2/5/20. (Rev.)
Approved 3/3/20.

