

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Tuesday, 26 December 2017 – 6:30 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
John B. Folmer, Town Attorney
Joan E. Fitch, Board Secretary

Applicants & Public Present

Art Bell and Brian Buttner, RA for Art Bell, Applicant; John DelVecchio, Applicant; Anne McLorn, Jamie Dangler, Pam Jenkins, Ben Mazzucci; Sharon Stevans, Videographer.

The Public Hearing was opened at 6:30 p.m. by Chairman David Plew, who read aloud the Legal Notice as published in the *Cortland Standard* on 14 December 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, December 26, 2017 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 Brian Buttner, for property located at 1062 Blue Creek Road, Tax Map No. 76.00-07-03.000, for a variance in the terms and conditions of Article III, Section 178-12 (Bulk Regulations), to allow for a lot with an area less than allowed and with rear & side yard setbacks less than allowed.*
2. *In the matter of the application of Brian Buttner, for property located at 1062 Blue Creek Road, Tax Map No. 76.00-07-04.000, for a variance in the terms and conditions of Article III, Section 178-12 (Bulk Regulations), to allow for side yard setbacks less than allowed.*
3. *DelVecchio Family, LLC, for property located at 4030 West Road, Tax Map No. 86.09-01-40.000, for a variance in the terms and conditions of Article XVIII, Section 178-111B & 112, Table 2, Note 2a, to allow for a sign with a height greater than allowed and closer to property line 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**Brian Buttner of ADR Associates, Applicant/Art Bell, Jr., Reputed Owner – Blue Creek Road – TM #s 76.00-07-03.000 & 04.000 – Area Variances for Smaller Lot & Setbacks**

PZO Bruce Weber reported that he had received an email, dated this date, from Mike Ryan of the Cortland County Health Department. The memo advised that “This proposal to resubdivide does not appear to be compatible with the Cortland County Sanitary Code.” PZO Weber stated he had attempted to reach Mr. Ryan today as to what does not comply, but was not successful. Without knowing if the proposed project is going to be in compliance or not, PZO Weber thought it would be premature to act on this appeal.

Town Attorney John Folmer acknowledged he had received a copy of the memo “a few minutes ago” and was not prepared to advise the Board to make the statement requested by Mr. Ryan; he requested a little more time to investigate this.

Chairman Plew then closed the public hearing at 6:34 p.m., but stated that the public would be allowed to speak at the January meeting regarding this appeal.

DISCUSSION/DECISION

With no further discussion, **a motion was made by Member Joanne Aloï to postpone the requested area variances for a smaller lot than allowed and rear and side yard setbacks less than allowed until the 30 January 2018 ZBA meeting in order to obtain additional information regarding the County Sanitary Code. The motion was seconded by Member Tom Bilodeau, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #29 of 2017.

PUBLIC HEARING #2**DelVecchio Family, LLC, Applicant/Reputed Owner – 4030 West Road – TM #86.00-09-140.000 – Area Variances for Sign**

Chairman Plew recognized John DelVecchio, representing the appellant who was seeking an area variance to re-configure a previously approved 64 SF sign at his place of business. Two alternatives (both less than 64 SF) were shown on sketches accompanying the application: Plan A which would place an illuminated box (Crown Motors) on the east side of the existing sign, and Plan B which would place the illuminated box below the existing sign. The previously approved sign required a six-foot clearance from the ground to the bottom of the sign; the proposed sign would have a clearance to 5 ft. 4 inches. PZO Weber explained that this was a non-conforming sign that would be higher than allowed and closer to the property line than allowed.

Board members discussed the requested appeal. Member Aloï was concerned with the line of sight. Mr. DelVecchio used his phone to show Board members a picture of the existing sign.

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 6:43 p.m.**

DISCUSSION/DECISION

At the request of Chairman Plew, Member 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: No. All Board members present agreed.

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

Finding: Yes (Plew, LeFevre). No (Aloï, Bilodeau, Finn).

3. Is the requested variance substantial?

Finding: No. 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: No. The road, a State highway, had recently been widened which created the problem for the appellant. All Board members present agreed.

At the conclusion of the test, **a motion was made by Member Tom Bilodeau to grant the area variance, as shown on Plan A, with illumination of the sign to be turned off within one hour of closing or by 10 p.m., whichever is earlier. 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 #30 of 2017.

APPROVAL OF MINUTES – 31 OCTOBER & 28 NOVEMBER 2017

A motion was made by Member Finn to approve the ZBA Minutes of 31 October and 28 November 2017, as submitted. 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 #31 of 2017.

OTHER MATTER

Chairman Plew acknowledged that Member LeFevre was successful in her campaign for Town of Cortlandville Justice of the Peace, so she would be resigning from this Board to assume that position the first of the year 2018. Everyone thanked her for her service and wished her well in her new position.

ADJOURNMENT

At 6:56 p.m., on a motion by Member Finn, 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 1/29/17.