

TOWN OF CORTLANDVILLE ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Tuesday, 30 January 2018 – 7:00 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

Applicants & Public Present

Benjamin Locke, Applicant; Kelley, Olivia, & Mia Locke; Ann Doyle, Doug Withey, Larry Baker; Sharon Stevans, Volunteer Videographer.

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 11 January 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, January 30, 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 Benjamin Locke, for property located at 981 State Route 222, Tax Map No. 86.13-01-44.000, for a variance in the terms and conditions of Article IV, Section 178-17 B(1), Bulk Regulations, to allow for a garage with a height greater than allowed and a rear yard less 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.

David Plew, Chairperson
Zoning Board of Appeals

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

PUBLIC HEARING

Benjamin Locke, Applicant/Benjamin & Kelley Locke, Reputed Owners – 981 NYS Route 222 – TM #86.13-01-44.000 – Area Variance – Building Height & Rear Yard Setback

Chairman John Finn recognized the applicant who explained to everyone present that he was seeking an area variance. He stated he wished to move the previously approved location of his garage to make better use of it; cosmetically, he said, it would also look better. He stated it would no longer be connected to the existing home and, also, he wanted to increase its height by four feet to eighteen feet; 15 feet is the maximum height allowed. A photo similar to what is proposed accompanied the application; there would, however, be no cupola(s) as shown.

Chair Finn asked if there was anyone from the public who wished to speak on this matter; there was no one.

**With everyone being heard who wished to be heard,
Chair Finn closed the Public Hearing at 7:04 p.m.**

DISCUSSION/DECISION

At the request of Chair 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: No. All Board members present agreed.

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

Finding: No. All Board members present agreed.

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: Yes. The proposed garage could be placed/constructed to meet the requirements, but it wouldn't be as useful. 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 requested. The motion was seconded by Member David Plew, with the vote recorded as follows:**

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

Motion passed.

This becomes Action #1 of 2018.

POSTPONED FROM 26 DECEMBER 2017

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

(Reference is made to the Minutes of 12/26/17 at which meeting the requested area variances for a smaller lot than allowed and rear and side yard setbacks less than allowed were postponed until this ZBA meeting in order to obtain additional information regarding the County Sanitary Code.)

PZO Bruce Weber reported that the previously requested appeals had been withdrawn by the applicant.

With no further discussion, a motion was made by Member Aloï to acknowledge the withdrawal of both appeals for area variances for a smaller lot than allowed and rear and side yard setbacks less than allowed. The motion was seconded by Member Bernice Potter-Masler, with the vote recorded as follows:

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

Motion passed.

This becomes Action #2 of 2018.

APPROVAL OF MINUTES – 26 DECEMBER 2017

A motion was made by Member Bilodeau to approve the ZBA Minutes of 26 December 2017, as submitted. The motion was seconded by Member Aloï, with the vote recorded as follows:

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

Motion passed.

This becomes Action #3 of 2018.

ADJOURNMENT

At 7:10 p.m., on a motion by Member Potter-Masler, 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 2/8/18.