

Zoning Board of Appeals
Minutes of
Monday February 14, 2022
5:30 pm 3rd floor City Hall

Present: Maria Manning, Abigail Cleary, Juliene Ray, Ray Parker, Kyle Davis, Brett Barnes, Karen Leahy

Staff: AJ Meldrim, Corporate Council, Roy Everett, Code Enforcement Acting Secretary, Joanne Sweeney

Meeting was called to order at 5:35 by acting chairperson, Maria Manning.

Item#1: Election of Chair-Motion made to elect Marie Manning as Chair

Motion by: Karen Leahy

Second by: Ray Parker

Unanimous

Item#2: Election of Vice Chair-Motion made to elect Brett Barnes as Vice Chair

Motion by: Julie Ray

Second by: Maria Manning

Unanimous.

Item#3: Appointment of Secretary-Motion made to appoint Joanne Sweeney

Motion by: Ray Parker

Second by: Karen Leahy

Unanimous.

OLD BUSINESS: Motion was made to rehear the 220-226 Port Watson St (BG2)

Area Variance.

Motion by: Ray Parker

Second by: Karen Leahy

Unanimous

Discussion:

AJ Meldrim, Corporate Council said there appeared to be some deficiencies in reviewing the 5 factor test as stated in the Charter. There was confusion on what was being voted on.

For clarification; County Planning Staff conducted their review, recommended approval with multiple contingencies that Byrne Dairy did address. County Planning Commission unanimously voted to deny it. To override the decision of the County Planning Commission the ZBA needs a super majority.

The 5 variances that are being addressed and need to pass the 5 factor test are:

- 3 setbacks-front, side, and back setbacks
- Building placement and parking location

The public hearing was opened at 5:50pm

Speaker:

Christian Barnell, Executive VP of Byrne Dairy/SonByrne Sales their Retail Division. Recapped all prior materials. No new materials introduced. Reviewed contingencies of City planning and how they were addressed. Reviewed similar setbacks approved such as CFCU and Walgreens which are relatively recent.

Gordan Standsbury, P.E. from GTS Consulting reviewed their Traffic Study and the determination that there was no negative impact.

Tom Fucillo, Attorney with Hancock & Estebrook, representing Byrne, reviewed his interpretation of Cortland Charter items:

- ZBA chair can vote. There is nothing in Charter stating otherwise.
- It is the Common Council's job to decide on the proper use/allowable use. Not the ZBA's.
- Planning approved proper layout and site plan review.
- ZBA to determine if the 5 criteria met.
- Not ZBA decision to protect other Businesses. Can't limit an allowed use.

Larry Knickerbocker, attorney representing Bill Bros Dairy across Port Watson Street.

- Spoke on vote for motion of rehearing then should be put out to public notice.
- Common Council acted and most recent action invalid. Attempted to pass a resolution no force an effect. Would have to be done by local law.
- Not opposed to development-this is oversized for the site

- Issue is with over-use for size of lot. Size based on Byrne's desire for profit margins.
- Traffic concerns with RR up Port Watson and the backup of traffic
- Other traffic concerns
- School nearby and walking concerns with students
- Addressed his concerns with process of rehearing and notice for public hearing.

Motion to close public hearing at 6:41pm

Motion by Brett Barnes
Seconded by Ray Parker
Unanimous

Discussion:

Karen Leahy spoke of the procedurally issues. Her interpretation is that they voted to rehear the Byrne variance. Now we need to give proper notice of Public Hearing and actually hold the Public Hearing to Rehear. There was discussion.

Motion was made to table decision pending the Formal Public Hearing.

Motion by: Brett Barnes
Second by: Abigail Cleary
Unanimous

Motion made to approve Minutes from prior meeting

Motion by: Brett Barnes
Second by: Abigail Cleary
Unanimous

Motion to adjourn meeting

Motion by: Julie Ray
Second by: Brett Barnes
Unanimous

I, MARIA MANNING, CHAIR MEMBER OF THE ZONING BOARD OF APPEALS FOR THE CITY OF CORTLAND, NY, DO HEREBY CERTIFY THAT SAID RESOLUTIONS WERE ADOPTED AT A MEETING OF THE ZONING BOARD OF APPEALS OF THE CITY OF CORTLAND, HELD ON THE TH DAY IN DECEMBER IN THE YEAR 2021.

MARIA MANNING, ZBA CHAIR MEMBER