

Zoning Board of Appeals
City of Cortland
January 11, 2010

A regular meeting of the Zoning Board of Appeals was held on Monday, January 11, 2010, 2009 at 5:00 p.m. in the Mayor's Conference Room at City Hall.

Present: Chair Dailey, Comm. Haskell, Hickey and Wickman

Staff: Alderman Ferguson, Amy Bertini, Zoning Officer, Chief Glover and Cheryl Massmann, Deputy City Clerk

Item No. 1 – 26 River St. – (Hampton Inn)(GB) – Area Variance – Laundry Room

Tom Sawyer was present to represent the Hampton Inn. He explained that they would like to build an eight and a half foot (8 ½) by eleven (11) foot wide laundry room off of the backside of the existing building. They will maintain all of the existing exterior finishes to match the existing building. Basically, the Hampton Inn needs to do this to move the washing machines to isolate them because there is so much vibration in the building. The current laundry area is built over the basement area which was a mistake when they originally built the building. It's causing vibration, guest complaints and cracking of tile, etc. Comm. Hickey asked if there was any other place to locate the addition. Mr. Sawyer noted that they were cutting an archway in the existing laundry room where all of the mechanicals are and they plan to set the two (2) machines into the addition right off of there and that there was no other place to locate the addition that was convenient.

There was no one further to speak, therefore the public hearing was closed.

On the motion of Comm. Wickman, seconded by Comm. Hickey, voted and carried.

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT THE AREA VARIANCE –26 RIVER ST. – (HAMPTON INN)(GB) – AREA VARIANCE – LAUNDRY ROOM BE PLACED ON THE TABLE FOR DELIBERATION.

The criteria for an area variance were reviewed.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance. None seen.

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance. Not if they need to connect to pre-existing facilities in the building. There's no alternative.

3. Whether the requested area variance is substantial. Yes.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. None shown.
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the area variance. Self-created.

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried to approve the area variance as presented for the side yard setback for construction of the laundry room.

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT THE AREA VARIANCE –26 RIVER ST. – (HAMPTON INN)(GB) – AREA VARIANCE – LAUNDRY ROOM BE APPROVED AS PRESENTED FOR THE SIDE YARD SETBACK FOR CONSTRUCTION OF THE LAUNDRY ROOM.

Item No. 2 – 1-3, 8 Comando Ave. – (Fragnoli)(R2) – Use Variance – Restaurant Re-opening

Vince Fragnoli and Maria Fragnoli-Ryan were present. Mr. Fragnoli stated that this had been a family owned business for years. He plans no reconstruction as it is already set up as a family restaurant. He wants to start the business back up small, with a bit of food, a bar and as a place to mingle. Comm. Wickman was curious about the history of the business. Maria Fragnoli-Ryan stated that the business was purchased in 1952 from the Comandos and it was a restaurant then. Comm. Wickman noted that this was a restaurant in a residential area. Comm. Haskell noted that zoning was different back then. Comm. Wickman noted that most of the customers were from the neighborhood. Comm. Haskell reviewed the list of signatures that the Fragnoli’s had presented to the Zoning Board and noted that most of them were from the neighborhood. It was noted that the business lost it’s grandfathering because it was closed for over a year. Comm. Wickman asked Mr. Fragnoli how much he planned to spend to rehab the restaurant. Mr. Fragnoli stated that he needed to rehab it a bit on the outside with a new porch roof and replace some windows, which would probably run about \$25,000. The building had been on the market for four (4) years and it had not sold. Comm. Wickman noted that was far cheaper than converting the building to apartments. Comm. Hickey asked him to speak to the hardship issue. Mr. Fragnoli noted that he lived in one apartment and he rents out a room as well. Comm. Hickey asked what he projected the restaurant to do. Mr. Fragnoli noted that the restaurant should do well. Maria Fragnoli-Ryan noted that the restaurant needed to be upgraded to make an income and eventually will need an upgrade in equipment. Mr. Fragnoli plans to open with the equipment he currently has. Comm. Hickey noted that just renting a room would not generate enough income for him.

Alderman Ferguson noted that they might qualify for a small business grant with Thoma Development and they should check with them. Comm. Wickman asked if there were plans to pave the parking lot. Mr. Fragnoli stated that it was his plan to pave the parking lot, but would need an extension on that. Amy Bertini, Zoning Officer, stated that would be on the site plan. Comm. Wickman asked if the signatures on the petition that had been submitted in support of the restaurant were from every house in the neighborhood. Mr. Fragnoli stated that they were from every house and that there had been no opposition or a question. Comm. Haskell noted that the restaurant had a long history with the same name. Mr. Fragnoli plans to keep the same name. Alderman Ferguson asked how many people he planned to employ. Mr. Fragnoli noted that he would be employing about ten (10) people. Comm. Hickey asked if he had any plans to expand the business beyond the pre-existing footprint. Mr. Fragnoli had no plans for expansion. Chair Dailey asked how many people the restaurant would hold. Mr. Fragnoli stated it would hold about one hundred fifty-five (155) people.

There was no one further to speak, therefore the public hearing was closed.

On the motion of Comm. Hickey, seconded by Comm. Haskell, voted and carried.

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT THE AREA VARIANCE - 1-3, 8 COMANDO AVE. – (FRAGNOLI)(R2) – USE VARIANCE – RESTUARANT RE-OPENING BE PLACED ON THE TABLE FOR DELIBERATION.

A SEQR review was done for the Use Variance for 1-3, 8 Comando Ave. – (Fragnoli)(R2) – Use Variance – Restaurant Re-opening.

On the motion of Comm. Hickey, seconded by Comm. Haskell, voted and carried to issue a negative declaration.

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT A NEGATIVE DECLARATION BE ISSUED FOR - 1-3, 8 COMANDO AVE. – (FRAGNOLI)(R2) – USE VARIANCE – RESTUARANT RE-OPENING BE PLACED ON THE TABLE FOR DELIBERATION.

The criteria for a use permit were reviewed.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial. It’s reasonable to assume that one (1) apartment rental won’t be enough and it has been on the market for over four (4) years.

2. The alleged hardship relating to the property is unique. (The hardship may not apply to a substantial portion of the zoning district or neighborhood). It's unique
3. The requested use variance, if granted, will not alter the essential character of the neighborhood. It's been there a long time.
4. The alleged hardship has not been self-created. Yes, self-created and not.

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried.

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

RESOLVED THAT THE AREA VARIANCE - 1-3, 8 COMANDO AVE. – (FRAGNOLI)(R2) – USE VARIANCE – RESTUARANT RE-OPENING BE APPROVED AS PRESENTED.

Item No. 3 – Minutes of August 10, 2009 & December 14, 2009

A quorum of the people attending those meetings was not available at this meeting.

Adjournment

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried.

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye

I, BRIAN DAILEY, CHAIRPERSON OF THE ZONING BOARD OF APPEALS FOR THE CITY OF CORTLAND, NEW YORK, 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 11th DAY OF JANUARY, 2010.

BRIAN DAILEY, CHAIRPERSON