

Zoning Board of Appeals
City of Cortland
February 8, 2010

A regular meeting of the Zoning Board of Appeals was held on Monday, February 8, 2010, at 5:00 p.m. in the Mayor's Conference Room at City Hall.

Present: Chair Dailey, Comm. Brown, Decker, Haskell, Hickey, Wilcox and Wickman

Staff: Chief Glover and Cheryl Massmann, Deputy City Clerk

Item No. 1 – 92 Groton Ave. – (Seales)(GB) – Area Variance – Reduced Parking Space Size

Gary Seales was present to answer questions. Mr. Seales would like to reduce the parking space sizes at 92 Groton Avenue from the regulated ten (10) feet wide to eight and a half (8 ½) feet wide. Comm. Hickey asked where the cars exit from this parking area. Mr. Seales indicated that they used either the right or left driveways. Comm. Wickman asked if this property was used for student housing. Mr. Seales indicated that it was. Chair Dailey asked if he also owned 94 Groton Avenue. Mr. Seales indicated that he did. Mr. Seales went on to explain that Wal Mart allows eight and a half (8 ½) foot wide parking spots and other requests for such a variance had been granted by this Board. Comm. Brown noted that the property was only thirty (30) or so feet wide. Mr. Seales stated that it was thirty-four point three (34.3) feet wide. Comm. Hickey asked him to explain about the joint driveway. Mr. Seales indicated that it was deeded with the property for the use of the driveway. Comm. Wilcox noted that it would be on the deed as a right of way and that it can't be removed. Chair Dailey asked if there was a need for more parking. Mr. Seales indicated that there was. Mr. Seales was asked how many units were in this building. Mr. Seales stated that this was a single unit dwelling. He went on to state that it was a boarding house with eight (8) bedrooms. Chair Dailey asked if 94 Groton Avenue was also student housing. Mr. Seales indicated that it was. Comm. Brown expressed concern about the width of the property and the possibility of someone backing into the buffer. Mr. Seales indicated that could not happen.

Chief Glover gave an explanation regarding the use by right for this property. Chief Glover asked Mr. Seales if he would give a deeded right of way from 94 Groton Avenue to 92 Groton Avenue so that there would not be a problem with the driveway if the properties were to be owned by two different parties in the future. Mr. Seales indicated that would not be a problem.

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

On the motion of Comm. Wilcox, seconded by Comm. Decker, voted and carried.

Chair Dailey
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Aye

Comm. Brown

Aye

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Comm. Decker	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Wilcox	Aye		

RESOLVED THAT THE AREA VARIANCE –92 GROTON AVE. – (SEALES)(GB) – AREA VARIANCE – REDUCE PARKING SPACE SIZE BE PLACED ON THE TABLE FOR DELIBERATION.

Comm. Hickey and Comm. Wilcox noted the recommendations from County Planning; that the parking lot be surfaced, that the parking spots be striped and that drainage be provided for the area. Mr. Seales indicated that none of these items would be a problem, but he did express some concern regarding the use of drywells. Chief Glover told him that no drywells were needed, just to have the parking lot graded, perhaps toward the street. Mr. Seales stated that he will pave the parking area. Comm. Hickey noted that County Planning recommended lighting. Mr. Seales stated that was in the Site Plan that would be reviewed by City Planning. Chief Glover recommended that he get a photometric sheet from the manufacturer to give to City Planning. Comm. Hickey stated that Mr. Seales should deed a strip of property from 94 Groton Avenue to 92 Groton Avenue to allow cars to back onto. This would be part of the easement. Comm. Wilcox stated that he should deed a six (6) foot right of way from 94 Groton Avenue to 92 Groton Avenue. Mr. Seales was asked if he had contacted his neighbors regarding this variance. Mr. Seales has been speaking to Mr. DelVecchio regarding his plan for some time, but did not contact him regarding this application.

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. Yes, also accumulating high density of vehicles in that area coming out onto a busy street.
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. No.
3. Whether the requested area variance is substantial. Yes, there is extensive lot coverage.
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. No and yes.
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. Yes, there will be an increase in traffic.

On the motion of Comm. Wilcox, seconded by Comm. Decker, voted and carried to approve the area variance as presented contingent upon the deeded six (6) foot right of way to 92 Groton Avenue from 94 Groton Avenue and contingent upon the following

recommendations #2, #3 and #5 of Resolution No. 10-03 of the County Planning Board.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Wilcox	Aye		

RESOLVED THAT THE AREA VARIANCE –92 GROTON AVE. – (SEALES)(GB) – AREA VARIANCE – REDUCE PARKING SPACE SIZE BE APPROVED AS PRESENTED CONTINGENT UPON THE DEEDED SIX (6) FOOT RIGHT OF WAY TO 92 GROTON AVENUE FROM 94 GROTON AVENUE AND CONTINGENT UPON THE FOLLOWING RECOMMENDATIONS #2, #3 AND #5 OF RESOLUTION NO. 10-03 OF THE COUNTY PLANNING BOARD.

Item No. 2 – 141 Groton Ave. – (CRMC)(R3) – Area Variance – Handicapped Ramp

Alastair Aitchison of Chianis Anderson was present to answer questions regarding this application. He stated that the proposed handicapped ramp at the front of the building accessing the vestibule and was an ADA regulation ramp that came within five (5) feet of the property line. Comm. Brown asked how far the end of the ramp to the sidewalk. Mr. Aitchison stated that it was six (6) feet. Comm. Wickman asked if the ramp would face Townley Avenue. Mr. Aitchison indicated that it would. Comm. Brown expressed concern that if an individual using the ramp got up any speed, that they might reach the road. Mr. Aitchison noted that there was a grass strip. Chief Glover noted that under the building code they also had to have a sixty (60) inch wide platform at the top and the bottom of the ramp. Comm. Wickman asked if the ramp went into the vestibule. Mr. Aitchison stated that it did. Comm. Wilcox asked if there were steps next to the ramp. Mr. Aitchison stated that the steps were existing and that they were going to cut into them to build the ramp and they also planned to have an automatic door. Comm. Brown asked if the angle of the ramp met code. Mr. Aitchison indicated that it did. He also went on to state that the current rear ramp is very steep and it was hard to get individuals who used it to the reception/waiting area as they had to go through the patient areas to get there. Comm. Hickey asked if they would be eliminating the rear ramp. Mr. Aitchison stated that they could, but had no current plans to do so. Some concern was expressed that the proposed front ramp gave them greater access, but was farther away from the parking area. Chief Glover stated that the building code stated that the handicapped parking spots had to be placed as close to the access as possible and in this case they had to give a little to get a little.

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

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

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Wilcox	Aye		

RESOLVED THAT THE AREA VARIANCE – 141 GROTON AVE. – (CRMC)(R3) – AREA VARIANCE – HANDICAPPED RAMP 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 demonstrated.
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. Yes.
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. No, as this had always been a professional building.
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. Yes.

On the motion of Comm. Hickey, seconded by Comm. Wickman, voted and carried to approve the area variance as presented.

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Wilcox	Aye		

RESOLVED THAT THE AREA VARIANCE –141 GROTON AVE. – (CRMC)(GB) – AREA VARIANCE – HANDICAPPED RAMP FACING TOWNEY AVENUE BE APPROVED AS PRESENTED.

Item No. 3 – Minutes of August 10, 2009 & December 14, 2009 & January 11, 2010.

Minutes – January 11, 2010

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

Chair Dailey	Aye	Comm. Brown	Abstain
Comm. Decker	Abstain	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Wilcox	Abstain		

RESOLVED THAT THE MINUTES OF JANUARY 11, 2010 BE APPROVED BY A MAJORITY OF THOSE PRESENT AT THAT MEETING.

Minutes – December 14, 2009

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

Chair Dailey	Aye	Comm. Haskell	Abstain
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Brown	Abstain	Comm. Decker	Abstain
Comm. Wilcox	Abstain		

RESOLVED THAT THE MINUTES OF DECEMBER 14, 2009 BE APPROVED BY THE MAJORITY OF THOSE PRESENT AT THAT MEETING.

Minutes – August 10, 2009

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

Chair Dailey	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Abstain
Comm. Brown	Abstain	Comm. Decker	Abstain
Comm. Wilcox	Abstain		

RESOLVED THAT THE MINUTES OF AUGUST 10, 2009 BE APPROVED BY THE MAJORITY OF THOSE PRESENT AT THAT MEETING.

Adjournment

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

Chair Dailey	Aye	Comm. Brown	Aye
Comm. Decker	Aye	Comm. Haskell	Aye
Comm. Hickey	Aye	Comm. Wickman	Aye
Comm. Wilcox	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 8th DAY OF FEBRUARY, 2010.

BRIAN DAILEY, CHAIRPERSON