

Zoning Board of Appeals
City of Cortland
October 18, 2010

A regular meeting of the Zoning Board of Appeals was held on Monday, October 18, 2010, at 5:00 p.m. in the Mayor's Conference Room at City Hall.

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

Staff: Zoning Officer Bruce Weber and Cheryl Massmann, Deputy City Clerk

Item No. 1 – 26 Arthur Ave. – (McGraw/Kelly)(R1) – Area Variance – Lot size due to lot line adjustment

Victoria Monty, Esq. was present. She explained that three point eight (3.8) feet was the largest width of the triangular shaped piece that owners McGraw and Kelly want to convey to the neighbors as the neighbor's driveway encroaches on their property. That is at the road frontage and narrows as it goes back on the property. It was thought that the hedgerow was the property boundary, but a survey proved otherwise. She explained that both are non-conforming lots to begin with and this will be further non-conforming.

Comm. Hickey asked if this was taking a bit of land from 26 Arthur Avenue and conveying it to 24 Arthur Avenue and that will then make the new boundary between the two properties the hedgerow. Ms. Monty indicated that was correct and that the hedgerow belongs to McGraw/Kelly and that they will continue to maintain it.

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. Brown	Aye
Comm. Haskell	Aye	Comm. Hickey	Aye
Comm. Wickman	Aye		

RESOLVED THAT THE AREA VARIANCE FOR 26 ARTHUR AVE. – (MCGRAW/KELLY) – AREA VARIANCE – LOT SIZE DUE TO LOT LINE ADJUSTMENT 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. No
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. Move house or put driveway on other side
3. Whether the requested area variance is substantial. No
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. No
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 and No

On the motion of Comm. Hickey, seconded by Comm. Haskell, voted and carried to approve the area variance for 26 Arthur Avenue to convey the described strip of land to 24 Arthur Avenue.

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

RESOLVED THAT THE AREA VARIANCE FOR 26 ARTHUR AVE. – (MCGRAW/KELLY) – AREA VARIANCE – LOT SIZE DUE TO LOT LINE ADJUSTMENT BE APPROVED.

Item No. 2 – 152 Clinton Ave. – (Palmer/Mobil)(GB) – Area Variance – Signage

Rich Palmer, the owner, was present to talk about the signage. He stated that currently there were seven (7) permanent signs and some temporary signs on the property. He plans to do a total tear down of the existing building and build a totally new building. He noted that presently, they were way over on the amount of signage allowed by the City as well as the allowed square footage.

He is proposing that the pylon sign, which he calls the high rise, currently says Mobil. He is co-franchising with Dunkin Donuts and he is proposing to replace the face of the high rise sign that will say Mobil and Dunkin Donuts. The size of the sign face will remain the same. Dunkin Donuts is requiring that they be allowed to advertise on the pylon sign. Square footage-wise; nothing will be changing on the face of that sign.

He further explained that out front he has a Mobil price sign that will stay as is. He will not be changing that and will not be adding Dunkin Donuts to that sign.

He further explained that on Building 2 they currently have two (2) big round Pegasus signs and those will be going. He also noted that on each end where the entrances are right now there are four (4) foot by five (5) foot snap lok signs, those will also be gone. He explained that the canopy Mobil sign will also be going. He noted that the proposal was to change the high rise sign to Mobil/Dunkin Donuts, the ID sign out front with the prices will stay the same and the only other signs that Dunkin Donuts is requiring is two (2) signs on the store. One (1) the front and one (1) on the side and the total square footage of those is twenty-five square feet. He stated that he is still over on square footage, but the number of signs has been greatly reduced, but he needs the variance because he is over the square footage allowed as well as the amount of signs.

Comm. Brown noted that basically he was taking away five (5) signs and bringing in two (2) which will be on the buildings. Comm. Wickman asked if the Planning Commission had reviewed this proposal.

Mr. Palmer indicated that they had and that is why he is here tonight. He noted that the present signage was originally installed in 1985. Comm. Hickey noted that the code had changed since then leading to this issue for an area variance request.

Comm. Wickman noted that in the plan he saw a total re-configuration of the property. Mr. Palmer stated that he is moving the pumps and turning the new building on the site for better onsite traffic flow. Comm. Wickman felt that gave the site a much better traffic flow.

Tom Santeri, a Dunkin Donuts franchisee, also spoke. He stated that he was excited about the pylon sign. He stated that the building signs had been scaled down and the building is beautiful and he felt that the building signage was fairly conservative. He noted that they were relying on the pylon sign to help get the customers into the area.

Mr. Palmer noted that there was no plan for Dunkin Donuts signage at the property entrance. They were relying on people spotting the pylon sign, getting off the highway exit and seeing the signage on the building. He also didn't need any more Mobil signs that the ones he had proposed.

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

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

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

RESOLVED THAT THE AREA VARIANCE FOR 152 CLINTON AVE. – (PALMER/MOBIL)(GB) – AREA VARIANCE – SIGNAGE 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. No
3. Whether the requested area variance is substantial. It is, but it is a reduction from the existing signage
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district. No, they're already over
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. Brown, voted and carried.

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

RESOLVED THAT THE AREA VARIANCE FOR 152 CLINTON AVE. – (PALMER/MOBIL)(GB) – AREA VARIANCE – SIGNAGE BE APPROVED AS DESCRIBED IN THE APPLICATION.

Minutes – September 13, 2010

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

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

RESOLVED THAT THE MINUTES OF SEPTEMBER 13, 2010 BE APPROVED.

Minutes – July 12, 2010

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

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

RESOLVED THAT THE MINUTES OF JULY 12, 2010 BE APPROVED.

Adjournment

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

Chair Dailey	Aye	Comm. Brown	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 18TH DAY OF OCTOBER 2010.

BRIAN DAILEY, CHAIRPERSON