

Zoning Board of Appeals  
City of Cortland  
September 10, 2012

A regular meeting of the Zoning Board of Appeals was held on Monday, September 10, 2012 at 5:00 p.m. in the Mayor's Conference Room at City Hall.

Present: Chair Hickey, Comm. Brown, Funk, McGinley, Place, Stoll and Wickman

Staff: Corporation Counsel Kelly Colasurdo, Zoning Officer Bruce Weber, Asst. Chief William Knickerbocker and Cheryl Massmann, Deputy City Clerk

Item No. 1 – 19 West Court Street – (DeVecchio) (R4) – Interpretation of Zoning Officer's Determination (Public Hearing) - Application was withdrawn at the applicant's request.

Chair Hickey announced that this application has been withdrawn.

Item #2 – 13 Lansing Avenue – (MacHenry) (R1) – Area Variance – Driveway (Continuation of Public Hearing).

Francis Casullo was present to speak for Mr. MacHenry's son who was also present. Attorney Casullo met with Mr. MacHenry shortly after the last meeting to try to assist him in putting something together that would be a little more descriptive on the survey of what he was planning to do. We put the garage to scale as well as the driveway and colored green the existing trees. The Board had mentioned where they wanted some shrubs.

Comm. Wickman stated that normally they would require a more detailed diagram than this, as the dimensions are missing.

Chair Hickey noted the dimensions were to be 30' by 40'.

Mr. Casullo explained how he came into this in the middle of it and tried to draw the proposed plans to scale, using the scale on the survey. It looks to be approximately a 30' by 40' garage.

Comm. Funk stated that, as was brought up at the last meeting, this diagram falls short of what was expected. On this plan, it was scaled to 22' wide. The driveway is the issue, and he didn't want to drive past there and see a 30' foot wide driveway.

Attorney Casullo assured the Board that it would be no problem to get a surveyor to sketch it out.

Comm. Funk noted that he would like to see the relationship between the rear of the building and the driveway.

Comm. Wickman expressed some concern about the trees.

Mr. Casullo noted that this driveway will run between the trees. Mr. MacHenry's father planted those trees, and no trees will be taken down.

Chair Hickey stated that she also would like to see the plans drawn to scale because looking at the garage; we're talking about a larger footprint compared to the size of the house. She asked if the number of doors to the garage is the purpose of putting in such a wide driveway.

Attorney Casullo offered to go one step further: When we get a survey we can attach it to a document stating that we, the undersigned, have seen the survey for project and allow each member of the Board to sign off on it, if they wish to do so.

Comm. Place said the main point was that two driveways are not allowed. She would not want to see the applicant go to the expense and then still not be approved for the project.

Mr. Casullo offered to table the application until the next meeting and he will speak with Mr. MacHenry regarding changing the driveway plans.

Mrs. MacHenry stated that the property was a double lot.

Comm. Wickman reiterated the fact that the Board really needed to see a more detailed drawing, as in most applications.

Chair Hickey noted they could table the discussion and keep the public hearing open, thereby allowing him to obtain a surveyed plan.

On the motion of Comm. Stoll, seconded by Comm. Funk, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

**RESOLVED THAT THE AREA VARIANCE – 13 LANSING AVE. – (MACHENRY) (R1)-AREA VARIANCE – DRIVEWAY AND GARAGE BE TABLED AND TO KEEP THE PUBLIC HEARING OPEN.**

Item #3 – 9 ½ Lansing Avenue - (Riccardi) (R1)- Use Variance – Addition of Employee (Public hearing)

Attorney Ronald Walsh was present to represent Mr. & Mrs. Riccardi. Mr. Walsh noted that the plan is simply to have an additional employee working at the location. He is asking for a waiver on the Site Plan because the plan does not involve any structural changes in the building. By design the shop has had two chairs since the original Use Variance was granted in 1994. He showed the Board pictures and explained that the shop's use in no way alters the essential character of the neighborhood. Mrs. Riccardi is not able to work the hours she was capable of working years ago due to her own health issues and caring for her father's and mother's needs as well. It would not be practical to call in another beautician to work in her place on an as needed basis. The property is uniquely situated, believed to be the only property that is subject to a Use Variance in the neighborhood and unique in that it borders the City's property. A petition signed by the Riccardi's neighbors illustrates in fact that the salon has been an essential part of the neighborhood for years.

Attorney Walsh asked that the Board waive the on site parking as there are only two chairs in the salon. There would only be two, possibly three customers there at any given time. The beauticians park in the driveway and there is sufficient on street parking for clients. The important thing is that the salon has not created any problems at all over the past eighteen years.

Comm. Hickey was interested to know why Mrs. Riccardi could not simply reduce the number of hours she works, rather than have another employee. She also asked if that employee was paying for use of her space.

Mrs. Riccardi responded that the person was not an employee; she does not pay rent for the chair. They share the work load, each taking care of each other's clients whenever the need arises. The other person buys her own supplies.

Jackie Chapman, who lives at 7 Lansing Ave., confirmed that Mrs. Riccardi works very long hours and the neighbors have never had an issue with the later hours or the traffic.

Mrs. Riccardi stated that the basketball court causes more traffic than anything else. When there is a game, cars are parked all up and down the adjacent streets. Her customers can park in the driveway or out back if needed.

Comm. Funk asked if another beautician might be hired in the event that this person left.

Mrs. Riccardi responded no, that she would likely move.

Mr. Walsh indicated, given the age difference between Mrs. Riccardi and the other person, Mrs. Riccardi would likely retire before the other person left.

Comm. Brown asked if the original Use Variance would expire should the salon business close.

Mr. Walsh stated that if the salon closed, the property would revert back to a two-family use. A Use Variance does not transfer with ownership.

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

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

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

**RESOLVED THAT THE USE VARIANCE – 9 ½ LANSING AVE. – (RICCARDI) (R1) – USE VARIANCE – ADDITION OF EMPLOYEE BE PLACED ON THE TABLE FOR DELIBERATION.**

The original Use Variance and all criteria were reviewed.

The criteria for a use variance were reviewed.

1. Whether the applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial. The evidence was accepted by the Board in 1994. Yes, the applicant is losing business due to health issues.
2. Whether the alleged hardship relating to the property is unique, (The hardship may not apply to a substantial portion of the zoning district or neighborhood.) Yes, it is unique.
3. Whether the requested use variance, if granted, will not alter the essential character of the neighborhood. No, many neighbors were present and there was no opposition.
4. Whether the alleged hardship has not been self-created. No, both her parents are in poor health.

Comm. Hickey stated her reservation about approving the variance. She voted against it back in 1994. Her concern is, given Mrs. Riccardi's health, that she might retire and someone else would start running a business in the building.

On the motion of Comm. Funk, seconded by Comm. Stoll, voted and carried.

Chair Hickey	Nay	Comm. Brown	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. Place	Aye	Comm. Funk	Aye

**RESOLVED THAT A TEMPORARY USE VARIANCE – 9 ½ LANSING AVENUE – (RICCARDI) (R1) - ADDITION OF AN EMPLOYEE BE GRANTED FOR A SECOND EMPLOYEE CHAIR ACCORDING TO THE ORIGINAL STIPULATIONS OF THE 1994**

**USE VARIANCE, TO CEASE UPON THE RETIREMENT OF MRS. RICCARDI, BE GRANTED.**

Item # 4 – 15 West Road – (Bible Baptist) (R1) – Area Variance – Front Setback and Lot Coverage – Handicap Ramp (Public Hearing).

Francis Casullo was present to represent the Church and distributed drawings of the plans. The Site Plan Review was approved by the Planning Commission, contingent upon receiving an Area Variance for the ramp and stairway. He explained that it does not involve the main building.

Reverend Miller explained that the building in question was formerly 5 Lauder Street, which over the past year has been assimilated into the Church property. The ramp will be off the front of the building, facing Lauder Street.

Attorney Walsh noted that it would meet ADA requirements.

Reverend Miller stated that the Church and school are growing; the building is used for a pre-school program and the corner of the house is 25 feet from the road, and is 17 feet from the right of way.

Comm. Brown asked if this would be permanent. It will be.

Comm. Brown questioned whether or not all requirements were met as far as the Code Office.

Asst. Chief Knickerbocker stated that this request was needed to change occupancy use and then the building will need to meet Code standard.

Comm. Funk noted that the ramp may have to come out another foot or so because of the gas meter on the building and 3 feet are needed to clear the electric.

There was no one else to speak and therefore the Public Hearing was closed.

On the motion of Comm. Funk, seconded by Comm. Place, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

**RESOLVED THAT THE AREA VARIANCE – 15 WEST ROAD – BIBLE BAPTIST CHURCH – R1 - FRONT YARD SETBACK AND LOT COVERAGE – 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 Area 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. No, Code requires a ramp, so this makes the most sense.
3. Whether the requested Area Variance is substantial. Yes, may need to be increased because of the meter, and more substantial for the front yard than 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.
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. Funk, seconded by Comm. Stoll, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye

**RESOLVED TO APPROVE THE AREA VARIANCE – 15 WEST ROAD – (BIBLE BAPTIST) (R1) – FRONT YARD SETBACK AND LOT COVERAGE – HANDICAPPED RAMP.**

Item #5 – 30 West Main Street – (CRMC) (PO) – Use Variance – Smoking area (Public Hearing)

Present were Mark Weiss, site architect, Wayne Miniken and Jake Mailjala, Vice President of Human Resources at Cortland Regional Medical Center.

Mr. Weiss stated that they went before the Planning Commission a couple of weeks ago and were approved for the Site Plan and given recommendation to approve with some modifications. The suggestion was to place some low shrubbery to screen from view of the street and the lighting. The other suggestion was to illuminate the area by installing two pole lights in the smoking area, in the very corner of the parking lot.

Zoning Officer Bruce Webber explained that the use variance is required because it is a separate parcel, and the use of the property is not listed as an allowed use in that district. If the property were combined with the hospital property, it could be seen as an auxiliary use.

Mr. Mailjala explained that the hospital does not want to combine the two properties because the medical center wants to promote health and initiated a smoke-free facility

designation a few years ago, which meant no smoking allowed on hospital property. Combining the two lots would also mean taking that lot off the tax role. Not allowing smoking on our property has now pushed the issue into the neighborhood. The hospital would like to eliminate the employees walking through the neighborhood smoking on their breaks, so we would like to designate a specific area for smoking.

Mr. Weiss noted that the smoking area would also accommodate patients and visitors as well.

To speak was Harold Gregoire, a resident at 27 West Main Street. Back in 2006 the neighbors received letters in regards to smoking in the hospital area. In 2008 Mr. Gregoire petitioned to get a lower assessment of his property because of all the renovations the hospital has made. He no longer resides in a residential neighborhood. The hospital's convenience has now become the neighbor's inconvenience. He cannot use his second floor bedrooms or his front porch due to the smoke, light pollution, trash and noise. They must witness various situations in the parking lot that create disturbances. The hospital has created its own hardship making the property a no smoking facility. Mr. Gregoire has suffered extreme financial loss and hardship. His house is now a two bedroom house, the last bedroom being in jeopardy due to the noise and light pollution from the elevated ambulance bay and the emergency entrance. He has had to purchase expensive room darkening shades, look into building a larger patio so as to enjoy his outside area, requiring him to obtain an area variance. He noted that he may need to install whole house air conditioning if he were to use his second floor in the summer time. His suggestion was to put a gazebo in the Alvena Ave. area, under an existing light, in a safer area, a closer area to the hospital entrance. He let the Board know that he is vehemently opposed to the idea of this plan.

Also to speak was Eric Briel, residing at 29 West Main Street. Mr. Briel lives directly across from the smoking pit, and it is an atrocity. The neighbors' health and well being has not been taken into consideration at all. They have noise, light pollution and smoke filled bedrooms, which the hospital seems to not care about at all. The value of the neighboring properties has lowered. Denise Wrenn did come speak to the surrounding property owners to ask if the hospital plans would affect them. He does not want the smoking area there, and had he known what the plans were back when he bought the house, he probably would not have purchased the property. He noted that he had put up a fence for privacy but can't even use his front porch or the master bedroom because of the smoking, the noise and light pollution. His tenants are in the same situation as well.

Comm. Place suggested tabling this matter and perhaps the hospital would reconsider where the smoking area might be located.

Mr. Mailjala explained that the only reason the hospital made the decision to have a designated smoking area is due to the feedback from the neighborhood. The thought was to be able to fence in the area, put in some shrubs and be able to shield it rather than having people smoking through the neighborhood. When we notified employees

about the hospital's no smoking policy, they asked where they could go to smoke and the hospital wanted to have a location to send them.

Comm. Funk asked if the hospital had given any thought to having an enclosed, heated facility in order to reduce the smoke.

Comm. McGuinley arrived late and stated that when she was employed at the college, a no smoking policy was put in place, and with no area to go to have a cigarette, she quit smoking. She looked at this as a positive thing.

Comm. Wickman noted that only a small percent of people are very addicted, and that most people would likely defer smoking.

Mr. Gregoire stated that he thought the Planning Commission really dropped the ball by approving this.

Chair Hickey questioned if the area was fenced in with shrubs and fence around it, would that create a security issue.

Mr. Weiss stated that security was the issue and the reason the hospital did not put in shrubs at first.

There was no one else to speak; therefore the Public Hearing was closed.

On the motion of Comm. Place, seconded by Comm. Stoll, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGuinley	Aye		

**RESOLVED THAT THE USE VARIANCE – 30 WEST MAIN STREET – USE VARIANCE – SMOKING AREA BE PLACED ON THE TABLE FOR DELIBERATION .**

The criteria for a Use Variance were reviewed.

1. The applicant cannot realize a reasonable return, as shown by competent financial evidence. The lack of return must be substantial: No evidence.
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.): No.
3. The requested use variance, if granted, will not alter the essential character of the neighborhood: Yes, definitely will.
4. The alleged hardship has not been self-created: Yes, it has.

Chair Hickey reminded the Board that there must be a positive finding for each of the four points.

On the motion of Comm. Stoll, seconded by Comm. Place, voted and **denied**.

Chair Hickey	Aye	Comm. Place	Aye
Comm. Funk	Aye	Comm. Brown	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGinley	Aye		

**RESOLVED TO DENY THE USE VARIANCE APPLICATION BASED ON THE IMPACT IT WOULD HAVE ON THE NEIGHBORHOOD AND THE NEIGHBORS' HEALTH, AND THE EFFECT IT WOULD HAVE ON THE VALUE OF HOMES IN THE AREA.**

Item #6 – 13 Chestnut Street – (Gath) (R1) – Area Variance – Handicapped Ramp (Public Hearing).

Fran Miller was present to speak. She plans to bring her Mother home and she can't navigate stairs and a ramp will be needed in order for her to come home. Her Mother had been a resident of Brewster House until she fell, and now cannot live there.

Chair Hickey asked if Ms. Miller had discussed the limitations of the ramp with Bruce Weber, Zoning Officer. Doctor's note is required each year, ramp must be the smallest ramp to do the job, and has to be removed within 60 days after the ramp is no longer needed.

Comm. Brown asked if the ramp would be off the back of the house.

Ms. Miller explained that it would be on the VanHoesen Street side.

Richard Platt was there to speak from Access to Independence. He does the design work and arranges for the ramps to be installed. It will be the minimal ramp allowed.

Comm. Funk asked if a new door would need to be installed.

Mr. Platt said no, a new door is not required.

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

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

Chair Hickey	Aye	Comm. Place	Aye
Comm. Funk	Aye	Comm. Brown	Aye

Comm. Stoll  
Comm. McGinley

Aye  
Aye

Comm. Wickman

Aye

**RESOLVED THAT THE AREA VARIANCE – 13 CHESTNUT STREET – (Gath) – (R1) – 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 area 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. No.
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. No.

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

**RESOLVED THAT THE AREA VARIANCE – 13 CHESTNUT STREET – (GATH) (R1) – AREA VARIANCE – HANDICAPPED RAMP – BE APPROVED.**

Chair Hickey  
Comm. Funk  
Comm. Stoll  
Comm. McGinley

Aye  
Aye  
Aye  
Aye

Comm. Brown  
Comm. Place  
Comm. Wickman

Aye  
Aye  
Aye

Item # 7 – 4 VanHoesen Street – (VanDonsel) (R1) – Area Variance – Garage addition (Public Hearing)

Mr. Scott VanDonsel was present to speak. He would like to put a 16' by 24' addition onto his garage and believes he is in compliance with the Code.

Comm. Place suggested that if he were to jog the addition inward, he wouldn't have to worry about matching the siding, and would not need a variance given the distance to the property line.

Comm. Funk noted that a building cannot be constructed within 50 feet of some creeks.

Zoning Officer Bruce Weber confirmed that the addition would need to be in compliance with flood plain regulations, and Mr. VanDonsel may need to check with DEC to find out if fish spawn in that creek, and if they would approve building the addition that close. You may approve his variance contingent upon his obtaining DEC approval or simply table the variance application.

Comm. Funk stated that he would like to see information from the DEC and table the application for now.

Comm. Place expressed her concern over the idea of continuing to issue variances for things that were noncompliant. She suggested building the addition a foot narrower.

On the motion of Comm. Place, seconded by Comm. Funk, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGinley	Aye		

**RESOLVED THAT THE AREA VARIANCE – 4 VAN HOESEN ST. – (VANDONSEL) (R1) – AREA VARIANCE – GARAGE ADDITION BE TABLED UNTIL THE NEXT MEETING.**

Item # 8 – 108 Groton Ave. – (Fox) (GB) – Interpretation of Zoning Officer’s Determination (Public hearing).

Linda Fox was there to speak. She purchased 108 Groton Ave. in 2004 at which time it was a student house. It has been in continuous use since 1971 as student housing. She had letters from previous owners stating there were five students residing there. She explained how it was brought to her attention that an occupancy certificate was never signed, and since her assessment has increased from \$45,000.00 to \$104,000.00 she will need to sell the property. Being a real estate salesperson, she stated it would not sell as a single family dwelling, so she is requesting a certificate of occupancy be issued in order for the house to remain student housing. The assessor’s office lists the property as student housing.

Comm. Funk noted paperwork dated September 8, 1986, listing the property as a single family dwelling used by five students, and requires a special permit. A similar request was traced back to a clerical error.

Chair Hickey stated that the City’s attorney is here and has not had a chance to look at this so the Board may table the application until she can look at this.

Ms. Fox does have a cash offer on the house and would like to sell the property as student housing.

Comm. Hickey suggested that Ms. Fox may want to contact an attorney and come before the Board again at a later date.

Mr. Weber explained that the house is in a General Business District so she could apply for a commercial indoor lodging permit provided there are sufficient parking spaces that are required in lot areas. So that is another option she may pursue. When Ms. Fox said that Mr. Weber told her he would sign a certificate of occupancy right then if she could provide him with proof that the property was student housing before 1988 and give him a date. Mr. Weber stated that was not the case that was not what he had told her.

Chair Hickey asked if the Board found that this is not a legal use, would it be possible to advertise an application for the commercial indoor lodging so we can close this up.

Mr. Weber explained that Ms. Fox would make an application for indoor lodging, the first step being to submit an application for that and likely would involve a Site Plan Review application, which would need recommendation from the Planning Commission.

Assistant Chief Knickerbocker noted that if there is a change of occupancy class, a building permit and other fire and code issues might arise.

Ms. Fox feels she should be entitled to a use by right since it was a continued use since 1971, and she questioned how 96 Groton Ave. got the use by right.

Further discussion ensued.

Chair Hickey noted that the Board has to work with what is before them and the list of evidence before the Board indicates this was a single dwelling unit.

On the motion of Comm. Place, seconded by Comm. Funk, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGinley	Aye		

**RESOLVED THAT THE INTERPRETATION OF THE ZONING OFFICER'S DETERMINATION BE TABLED PENDING LEGAL ADVICE.**

Item #9 - 111 North Main St. – (Souzas/Griswold) (R4) – Area Variance – Setback for Decks (Public Hearing).

Mr. Griswold was there to speak. The property is a two family house with a concrete patio, which is already in non-conforming use because of the setback. The Planning

Commission has recommended approval. The kitchens have been reconfigured and the owner would like to build two decks out back, of different sizes.

Mr. Weber explained that the deck on the Samson Street side is too close to the front property line and the deck in the back is within 23 feet of that property line. Nothing is being changed other than raising the level of the decks, with the foundation being approximately 2 ½ feet high.

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

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

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGinley	Aye		

**RESOLVED THAT THE AREA VARIANCE – 111 NORTH MAIN STREET –(SOUZAS) (R4) – AREA VARIANCE – SETBACK FOR DECKS BE PLACED ON THE TABLE FOR DILIBERATION.**

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 area variance. No.
2. Whether the benefit sought by the applicant can be achieved by some method feasible for applicant to pursue, other than an area variance. No.
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.

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

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGinley	Aye		

**RESOLVED THAT THE AREA VARIANCE – 111 NORTH MAIN STREET – (SOUZAS/GRISWOLD) (R4) – AREA VARIANCE – SETBACK FOR DECKS BE APPROVED.**

Item # 10 – Minutes – August 13, 2012.

On the motion of Comm. Place, seconded by Comm. McGuinley, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGuinley	Aye		

**RESOLVED THAT THE MINUTES OF AUGUST 13, 2012 BE APPROVED AS AMENDED.**

On the motion of Comm. Funk, seconded by Comm. Place, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGuinley	Aye		

**RESOLVED TO GO INTO EXECUTIVE SESSION.**

On the motion of Comm. Funk, seconded by Comm. Place, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. Wickman	Aye
Comm. McGuinley	Aye		

**RESOLVED TO COME OUT OF EXECUTIVE SESSION.**

Adjournment

On the motion of Comm. Funk, seconded by Comm. Stoll, voted and carried.

Chair Hickey	Aye	Comm. Brown	Aye
Comm. Funk	Aye	Comm. Place	Aye
Comm. Stoll	Aye	Comm. McGuinley	Aye
Comm. Wickman	Aye		

**I, MARY KAY HICKEY, 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 10th DAY OF  
SEPTEMBER 2012.**

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**MARY KAY HICKEY, CHAIRPERSON**