

**Zoning Board of Appeals
City of Cortland
Monday, November 18, 2013**

A regular meeting of the Zoning Board of Appeals was held on Monday, November 18, 2013 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Phyllis McGinley, Stephen Brown, Christine Place, Michael Stoll, Jr., Wayne Hansen

Absent: None

Staff: Zoning Officer; Bruce Weber, Deputy Fire Chief; William Knickerbocker

The meeting was called to order at 5:00 pm

A motion was made to amend the agenda by adding Bank Street as Item #1 and eliminate Item #5 (Monroe Heights) from the Agenda.

(Bank Street being added due to it being tabled from the last meeting and not being included in the agenda) (Monroe Heights being eliminated from the agenda per the recommendation of Corporation Counsel).

Item # 5 – 5 Monroe Heights – R4 (G. Ruggiero) – Interpretation of Zoning - eliminated

A motion was made by Comm. McGinley and seconded by Comm. Stoll:

Approved: Ayes – 6
Nays – 1 (Comm. Funk)

(From this point on, all items are re-numbered from the original agenda).

Item # 1– 5-7 Bank Street (Tim Guido) – R1 – Area Variance – Driveway and Garage. Section 300-12C (1) (2) (4)

Contractor Mike Parks was present to discuss as well as Tim and Kim Guido
Work to be done: Expanding driveway

A motion was made to close the Public Hearing by Comm. Funk and seconded by Comm. Stoll.

Approved: Ayes – 7
Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Stoll to grant the Area Variance as presented.

Approved: Ayes – 7
Nays – 0

Item # 2– 91-93-95 Lincoln Ave (Reeners) – R2 – Area Variance and Use Variance – Construction of a six unit apartment and maintenance building. Article II Section 300-13A, Section 300-14 D(10), Article VII Section 65B, Article VIII Section 71

Jim and Michael Reeners were present to discuss.

Work to be done: Construction of a six unit apartment and maintenance building

- Mr. Reeners outlined his criteria to meet the requirements of both variances
- Steven Terwilliger addressed concern of how new construction will cause flood issues for his property
- Scott Chatfield on behalf of Terwilliger and DeVecchio landlords presented argument as to if the financial hardship is being met.
- Gerry Riggerio opposed issuing both variances
- Mr. Reeners readdressed Council and answered additional questions.

A motion was made to close the Public Hearing by Comm. Stoll and seconded by Comm. Place.

Approved: Ayes – 7
Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Place to deny the Use Variance based on lack of evidence that no reasonable return can be achieved, no financial evidence of alleged hardship, it would alter the neighborhood and is self created hardship.

Approved: Ayes – 6
Nays – 1 (Comm. McGinley)

(Because the Use Variance was denied, the Area Variance was moot).

Item # 3– 16 Owego Street (John Barden) – R2 – Area Variance – Two Family conversion Article II Section 300-14 A, B (2), C(1), D(1)

Chuck Feiszli and John Barden were present to provide reasons for variance application.

Work to be done: Conversion of single family to two family. The house had previously been illegally used by more than one (1) family, however, no permission had been granted and the use had lapsed.

- David Engst (12 Owego Street) opposed variance stating shared driveway will cause hardship.
- Margaret Downing (18 Owego Street) opposed variance stating has always been single family home and indicated rehab already completed breached property line.
- John Barden responded to concerns.

A motion was made to close the Public Hearing by Comm. McGinley and seconded by Comm. Stoll.

Approved: Ayes – 7
Nays – 0

A motion was made by Comm. Place and seconded by Comm. McGinley to deny the Area Variance as presented citing unique layout of property and unusual nature of parking and shared driveway that is mostly on the neighboring property.

Approved: Ayes – 6
Nays – 1 (Comm. Hickey)

Item # 4– 3 Comando Ave (Vince Fragnoli) – R2 – Use Variance – Commercial Indoor Lodging. Article II Section 300-13A

Vince Fragnoli was present to discuss.

Work to be done: Establish commercial indoor lodging in building housing restaurant and canning business.

A motion was made to table and continue the public hearing on December 9, 2013 by Comm. Stoll and seconded by Comm. McGinley. ZBA asked Mr. Fragnoli to return with additional material in support of Use Variance application.

Approved: Ayes – 7
Nays – 0

Item # 5– 205 Clinton Street (Mark Day) – R1 – Area Variance – Install storage shed, Article II Section 300-12 C(4)

Mike Day was present to discuss.

Work to be done: Install a storage shed; this property is a corner lot with limited options for location of a shed due to slope.

A motion was made to close the Public Hearing by Comm. Stoll and seconded by Comm. McGinley.

Approved: Ayes – 7
Nays – 0

A motion was made by Comm. Stoll and seconded by Comm. Place to grant the Area Variance as presented.

Approved: Ayes – 7
Nays – 0

Minutes

Minutes of the October 21, 2013 meeting were held until December 9, 2013 meeting to approve.

New Business

Adjournment

On the motion of Comm. Stoll, seconded by Comm. McGinley, voted and carried to adjourn meeting at 8:20 pm.

Approved: Ayes – 7
Nays – 0

I, MARY KAY HICKEY, 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 18th DAY OF NOVEMBER IN THE YEAR 2013.

MARY KAY HICKEY, ZBA MEMBER