

**Zoning Board of Appeals  
City of Cortland  
Monday, December 9, 2013**

A regular meeting of the Zoning Board of Appeals was held on Monday, December 9, 2013 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Phyllis McGinley, Christine Place, Wayne Hansen

Absent: Comm. Michael Stoll, Jr., Comm. Stephen Brown

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

The meeting was called to order at 5:00 pm

**Item # 1 – 3 Comando Ave – R2 (Fagnoli) – Use Variance – Commercial Indoor Lodging. Article II, Section 300-13A**

Owner, Vince Fagnoli presented request for Use Variance. Provided actual figures, presented material to show business loss. Mr. Fagnoli provided information he has not taken a paycheck and is operating at a personal loss. His hardship is no personal income. The hardship is unique, the property being a long time commercial use in a residential area. The SEQR review was completed.

A motion was made by Comm. Funk and seconded by Comm. Place that there will be no significant environmental impacts.

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

Approved: Ayes – 5  
Nays – 0

A motion was made by Comm. Place and seconded by Comm. McGinley to grant the Use Variance, as presented, for two (2) additional rooms upstairs for a total of three (3) on the property.

Approved: Ayes – 5  
Nays – 0

**Item # 2– 64 Pomeroy St. (Kuman) – SD – Area Variance – Replace existing generator. Article III Section 300-23C 2 A**

Paul Stemkoski presented – Will need to remove the current generator and replace it with a bigger one. The new generator is to support life safety equipment. It is being installed in the same area. Mr. Stemkoski addressed concern of noise – it will have a sound decibel of 60-80 – (a hum). It will only run if the power is out. Mr. Stemkoski provided information on the most efficient configuration. Space will stay gravel.

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

Approved: Ayes – 5  
Nays – 0

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

Approved: Ayes – 5  
Nays – 0

**Item #3 – 129 Main Street – (Dugan) – CB – Area Variance – Window sign larger than 25%. Article XI, Section 300-107M**

The applicant was not present.

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

Approved: Ayes – 5  
Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Place to deny the Area Variance based on the fact that it alters the character of the neighborhood, and the applicant can achieve what he wants and still comply with regulations.

Approved: Ayes – 5 (To deny)  
Nays – 0

**Item #4 – 50 Port Watson Street (Natale) – R4 – Area Variance – Install wheelchair ramp. Article II, Section 300-18C 2B**

The applicant was not present.

The applicant is for reduced front yard due to installation of a permanent wheelchair ramp.

A motion was made to close the public hearing by Comm. McGinley and seconded by Comm. Funk.

Approved: Ayes – 4  
Nays – 1 (Place)

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

Approved: Ayes – 5  
Nays – 0

**Item # 5– 1 Bellview (CMA) – R1 – Special Use Variance – Enclose front steps, install lift, upgrade and install rest rooms for handicap accessible. Article II, Section 300-11C 2.**

Ken Caldwell and Pastor Brian Havens presented a proposal to tear down the old steps due to deterioration and enclose it. Siding will be used to enhance the brick. Also to install handicap accessible restrooms (men’s and women’s). They are not currently handicap accessible.

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

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Hansen to grant the Special Use Permit as presented.

Approved:     Ayes – 5  
                  Nays – 0

**Item # 6 – 68 Huntington St. (Hapgood) – R1 – Area Variance – Installation of a modular aluminum ramp system. Article II Section 300-12C 1**

Scott Bean with Cortland Housing Assistance Council was present to answer questions. Ramp is a freestanding unit and will be used as long as needed and will need annual recertification from a physician for continued use.

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

Approved:     Ayes – 5  
                  Nays – 0

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

Approved:     Ayes – 5  
                  Nays – 0

**Item # 7– 13 Front Street (Blakely) – R1 – Area Variance – Installation of a handicap ramp, Article II Section 300-12 C 1**

Larry Blakely was present to answer questions. Ramp is for wife, has two (2) doctor statements for need. The need for the ramp must be recertified by a physician every December.

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

Approved:     Ayes – 5  
                  Nays – 0

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

Approved:     Ayes – 5  
                  Nays – 0

**Minutes**

A motion was made to approve the minutes from November 18, 2013 as amended by Comm. McGinley and seconded by Comm. Funk.

Approved:     Ayes – 5  
                  Nays – 0

A motion was made to approve the minutes from October 21, 2013 as amended by Comm. Funk and seconded by Comm. McGinley.

**New Business**

**Adjournment**

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

Approved:

                  Ayes – 5  
                  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 9<sup>th</sup> DAY OF DECEMBER IN THE YEAR 2013.**

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**MARY KAY HICKEY, ZBA MEMBER**