

**Zoning Board of Appeals  
City of Cortland  
Monday, June 9, 2014**

A regular meeting of the Zoning Board of Appeals was held on Monday, June 9, 2014 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Wayne Hansen, Dave Dovi, Christine Place, Scott Steve  
Absent: Phyllis McGinley  
Staff: Deputy Fire Chief; William Knickerbocker, Secretary; Shellie Blaisdell

The meeting was called to order at 5:00 pm

A motion was made by Christine Place to amend the agenda for **Item #7** be move up to be **Item #5** due to the applicants travel distance and seconded by Comm. Hansen. All items would then follow accordingly.

Approved: Ayes – 6  
Nays – 0

**Item #1 – Natrium – (GB) – (C&S and Bob Kemp) – Use Variance to construct a 120’x94’ building for dry product storage.** The correct address of the project is 47 Court Street.

This item was tabled from the May 12, 2014 meeting.

Mack Cook was present to express support of the Common Council. There are evidentiary matters with appraisal of fair market value of \$40,000 and meets the requirements of unreasonable return. An initial cost of \$145,000 with adding in appellate and demo costs (at the City’s request). With the presentation material provided, all four criteria for a Use Variance have been met.

Common Council passed a Resolution to support this application, thereby putting Mack Cook in front of the ZBA.

Neighbor Helen Ackroyd of 93 Port Watson has no objection as a resident to the Use Variance.

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

Approved: Ayes – 6  
Nays – 0

Comm. Funk is having difficulty justifying the interpretation of the financial support.

A SEQR Review application was completed Comm. Funk moved, seconded by Comm. Hansen, that there was no significant adverse environmental impact.

Approved: Ayes – 6  
Nays – 0

A motion was made by Comm. Steve to approve the Use Variance application to construct a dry product storage building based on the uniqueness of the site, demonstrated lack of a reasonable return, it will not alter the nature of the neighborhood and it is not a self-created hardship. The motion was seconded by Comm. Place.

Approved: Ayes – 5  
Nays – 1 (Comm. Funk)

**Item #2 – 5 Lansing Ave – (R1) – (Colantonio) – Area Variance – for a concrete pad extension off from right side of driveway.**

This item was tabled from May 12, 2014 meeting.

Arthur Mikitiak with Crown Construction was present to address any questions from the board. The concrete pad extension will give a little more parking to the driveway. At the edge of the curb at an angle, it tapers down to 16 feet. There is some discussion on what the variance is for, and asked Code/Zoning to clarify.

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

Approved: Ayes – 6  
Nays – 0

A motion was made by Comm. Place to deny the application feeling there was substantial encroachment on the green space requirement and the applicant has other options; it was not seconded.

A motion was made by Comm. Funk to approve the Area Variance application stating it will not change the character of the neighborhood, and there is no significant impact on the environmental conditions. The motion was seconded by Comm. Dovi.

Approved: Ayes – 5  
Nays – 1 (Comm. Place)

**Item # 3– 41 Prospect Terrace – (R4) – (Walsh) – R1 – Use Variance to widen the driveway, repair the existing asphalt, install safety railings and extend the retaining wall/enclosure / dumpster.**

Paul Walsh was present to answer questions from the Board. The condition of the asphalt shows needed repair. Due to the placement of the dumpster and the traffic of the pickup, it tore up the traffic lane. Also, there is an issue with the tenants parking on the side yard in the grass which is the reason for the proposed new 2 new parking spots becoming more compliant and a clean traffic lane. Dumpster with enclosure installed 10-12 foot back- so it won't be out in front of the building.

Questions from the board shows concern the four criteria will not be met and have asked Mr. Walsh to return with financial back up.

A motion was made by Comm. Place to leave the public hearing open and to table the Use Variance Application of 41 Prospect Terrace pending further information on the financial burden and maintenance. The motion was seconded by Comm. Hansen.

Approved: Ayes – 6  
Nays – 0

**Item # 4 – 20 Reynolds Ave – (R2) – (Baccile) – Area/Use Variance to put additional stone in driveway.**

Gary Baccile was present to answer questions from the Board. The application is to put additional stone over what already exists. This is a non-conforming-3 unit; the black top regulation is exempt (grandfathered in).

A motion was made by Comm. Funk to leave the public hearing open and to table the Use/Area variance Application of 20 Reynolds Street pending further information on the financial burden. The motion was seconded by Comm. Steve.

Approved: Ayes – 6  
Nays – 0

**Item # 5– Elm Street – (GI) – (NYSEG) – Area Variance for the installation of a NYSEG Natural Gas Regulator Station.**

Bart Bosley was present to answer questions from the board. This is the same project as the prior two already presented and approved. It is very safe. There are weekly and monthly inspections completed.

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

Approved: Ayes – 6  
Nays – 0

A motion was made to approve the Area Variance as presented by Comm. Place and seconded by Comm. Steve with the proposed drawing submitted by the applicant (04/23/14), noting the hedgerow of Eastern Red Cedar to be included.

Approved: Ayes – 6  
Nays – 0

**Item # 6 – 91 Lincoln Ave/7 Woodruff Street – (R1) – (Reeners) – Interpretation as to the prior decision to require a Use Variance for a shared residential driveway over 7 Woodruff Street to 91 Lincoln Ave.**

Dan Ellis was present along with Jim Reeners to provide information in support of the interpretation. The two residential properties-share a border and propose to share the use of a one-way driveway. Would ask the Commission to look at the zoning code and determine a Use Variance is not required. It is not a prohibited use therefore a variance is not required. The Zoning Officer did not cite any specific regulations. Rigorous review-driveway in R2 – section 200-2; 300-13; 300-14; 300-75 – could not find anything to support a variance for this application. There is nothing in the codes that states you cannot share a driveway. There is no language excluding – it was an arbitrary decision from the Z.O. A Use Variance should not have been required. There is minimal impact on the streets. The Board has to answer. Comm. Funk added that Sec. 300-65 requires a 4’ vegetative strip that would preclude a shared driveway.

The Board is in need of additional information before making a ruling and will seek input from Corporation Counsel and prior Zoning Officer.

A motion was made by Comm. Steve to table this item until the next meeting for legal interpretation and prior Zoning Officer input and seconded by Comm. Place.

Approved:     Ayes – 6  
                  Nays – 0

**Item # 7 – 7 Woodruff Street – (R2) – (Reeners) – Interpretation as to the prior decision to require a Use Variance for an attached garage to store yard equipment.**

The request is to use the garage as an accessory use for a residential property.

The board argues the request was to use the garage as a storage facility to support several properties making it a business use.

The Board is in need of additional information before making a ruling and will seek input from Corporation Counsel and prior Zoning Officer.

A motion was made by Comm. Steve to table this item until the next meeting for legal interpretation and prior Zoning Officer input and seconded by Comm. Place.

Approved:     Ayes – 6  
                  Nays – 0

**Item # 8 – 63 Hamlin Street – (R1) – (Love) – Area Variance for a proposed new garage addition.**

Amy Love was present to answer questions from the Board. It is a small garage, needing more space and storage. Field stone and rocks. A suggestion was made to move 4ft/access on side to avoid an Area Variance. The applicant agreed to this and withdrew the Area Variance application.

Comm. Place moved, seconded by Comm. Funk, to close the public hearing.

Approved:     Ayes – 6  
                  Nays – 0

**Item # 9 – 15 William Street – (R1) – (Snell) – Area Variance to remove existing small garage and re-install a 24'x27' garage with storage.**

Mike Park (Park Road Construction) and Pete Snell were present to answer questions from the Board. The original garage was built in 1910 and is very narrow. The current vehicle has very little clearance and the garage door cannot be closed if the vehicle is in it. The garage is structurally compromised as well. There is a carport as well which will come down too.

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

Approved:     Ayes – 6  
                  Nays – 0

A motion was made by Comm. Steve and seconded by Comm. Dovi to approve the Area Variance for expansion of the garage at 15 William Street as presented.

Approved:     Ayes – 6  
                  Nays – 0

**Item # 10 – 170 Madison Ave – (R1) – (King) – Area Variance for a 7’x7’ landing at the front door of house protruding into front yard.**

Bill Rood was present to answer questions from the Board. Homeowner (Shannon King) has owned the property for 6-7 years. The structure has already been built (started), applicant was not aware of the process and was stopped.

The landing-21 feet from sidewalk to the stairs and is old. Will have railing, the platform is 7x7 (to match neighbor).

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

Approved:     Ayes – 6  
                  Nays – 0

A motion was made by Comm. Dovi and seconded by Comm. Steve to grant the Area Variance for front yard setback as presented.

Approved:     Ayes – 6  
                  Nays – 0

**Item # 11 – 9 Banks Street – (R1) – (Fitts) – Area Variance – to widen the driveway by 6 feet to the south side of property and to repair and widen existing fence.**

Jeff Fitts (property owner) was present to answer questions from the Board. There is currently an 8 foot wide driveway, he is asking for an additional 6 feet. With that will allow for two cars. Will make it easier to have a two car driveway. And, asking for relief of the two feet of vegetative strip.

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

Approved:     Ayes – 6  
                  Nays – 0

A motion was made by Comm. Funk and seconded by Comm. Place to grant the Area Variance Application as presented for 9 Banks Street.

Approved:     Ayes – 6  
                  Nays – 0

**Minutes**

The minutes from May 12, 2014. A motion by Comm. Funk to accept the minutes of May 12, 2014 as amended and seconded by Comm. Place.

Approved:     Ayes – 6  
                  Nays – 0

**Other Business:** Comm. Place moved, seconded by Comm. Steve, that the ZBA Chair write a letter to Common Council in support of making the position of Zoning Officer Full-time.

Approved:     Ayes – 6  
                  Nays – 0

**Adjournment**

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

Approved:     Ayes – 6  
                  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 JUNE IN THE YEAR 2014.**

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**MARY KAY HICKEY, ZBA MEMBER**