

**Zoning Board of Appeals  
City of Cortland  
Monday, July 14, 2014**

A regular meeting of the Zoning Board of Appeals was held on Monday, July 14, 2014 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Dave Dovi, Christine Place, Scott Steve

Absent: Phyllis McGinley, Wayne Hansen

Staff: Deputy Fire Chief; William Knickerbocker, Zoning Officer; Bob Rhea, Secretary; Shellie Blaisdell

The meeting was called to order at 5:00 pm

**Item #1 was moved to Item #8 due to the applicant not available.**

**Item #2 – 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 pre-existing, non-conforming-3 unit; the black top regulation is exempt (grandfathered in).

Financial support was provided and a re-drawing of the parking space. (Parking on stone and grass-not a change)

Planning has approved the Site Plan Review with the recommendation to ZBA to approve with the following:

1. Weigh the benefit of permitted lot coverage-buffering already done
2. Apply and receive use variance with crushed stone instead of concrete or asphalt
3. Add parking area for 3 unit dwelling/painted lines
4. Unnecessary hardship
5. Provide landscaping plan for buffer for adjoining property

Applicant states all points have been met and he meets all the criteria for the Use Variance.

History on three family-pull out paper file to be more specific-It is okay to use 6 parking spots-it has been used for many years-allowed the use to continue. We are not looking at expanding the parking-there is parking for six-seven all year round.

A motion was made by Comm. Steve to close the public hearing and was seconded by Comm. Place.

Approved: Ayes – 5  
Nays – 0

For the Use Variance – a SEQR review application was completed for the application to put stone over an existing stone parking area at 20 Reynolds, Cortland, NY

A motion was made by Comm. Funk that there are no significant adverse environmental impacts with this application and was seconded by Comm. Steve.

Approved: Ayes – 5  
Nays – 0

A motion was made by Comm. Dovi to approve the use variance for three permeable gravel parking spaces and three on the blacktop surface, with the stipulation that the buffer between the parking and adjacent property be maintained; based on the finding this is a pre-existing, non-conforming use as a three dwelling unit residence with photographic evidence that the area has been used for parking for many years. Gravel area as shown on the drawing permeable gravel area of 19'x34'. The motion was seconded by Comm. Place.

Approved: Ayes – 5  
Nays – 0

A motion was made by Comm. Place that the Area Variance is not applicable for this property application due to no changes to the stone area. The motion was seconded by Comm. Steve.

Approved: Ayes – 6  
Nays – 0

**Item #3 – 91 Lincoln Ave/7 Woodruff (Jim Reeners) Interpretation (R2) and Item #4 – 7 Woodruff (Jim Reeners) Interpretation – R2 was tabled at the applicant's request.**

**Item # 5 – 22 Salisbury Street (R. Epp) – (R2) – Area Variance for the addition of a shed roof (10') to garage as exists**

Put a roof on the end of the building (has already been built) -an addition which encroaches on the setback. Has five (5) feet from the end of the building but roof overhang is 3.5' from property line and seven (7) feet is required. The fence post is within inches of the property line. The roof is a two foot overhang.

Rick Epp, owner provided information on the addition – encroaches on the setback. Sometime in the past, a larger parcel was subdivided, leaving his building 5' from the new property line. The neighbor's fence is on applicant's property. After a survey was completed, the property line was not found.

Neighbor-O'Donnell-(17 Excelsior) expressed concern about the use of the building-was to be used as storage according to Planning approval but has been using it for a business.

Neighbor-Sylvia Mace-(15 Excelsior) his property butts up to hers-was at the Planning meeting when the subdivision was approved – the area that would be sub divided would be used for storage only. There is nothing in writing that the usage was used for storage only. How can you have storage in a residential zone? Concern that it is not being used for storage-evidence there is automotive work being done. Concerned that there is adding even more storage and for what purpose. There are cars parked on the grass permanently or have been there for a long time.

Mr. Epp explained he works for the Vault Co. across the street and plows that and another business, stores the plow truck, has stock cars and works on vehicles from Vault Company too. It is not an open business.

Bobbie Lansdowne at 14 Salisbury Street/adjacent property-states he is using it as a business, regularly fixing cars (last summer).

Linda Ferguson – 7<sup>th</sup> Ward Alderperson – last summer had removed a porta potty from the property.

A motion was made by Comm. Place to close the public hearing and was seconded by Comm. Dovi.

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Place to deny the application and was seconded by Comm. Funk.

Denied:        Ayes – 5  
                  Nays – 0

**Item # 6 – 60 Floral Ave – (R1) – (Lundberg) – Area Variance for the placement of a shed**

Heather Weeks-to place a 14x10’ shed – where the gravel is on drawing-the backyard doesn’t really exist-there is a rock garden and big tree. It will be a utility shed to hold snow blower, lawn mower, kayaks, etc... The shed cannot be in the front yard. The proposed location of the shed is the spot where a deck was previously. This is the most logical and best location to put the shed. The closest neighbors have signed paper stating they have no objections.

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

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Steve to approve the Area Variance for placement of the shed 7 feet back from the nominal right of way and 7 feet setback from the east side of the property and seconded by Comm. Dovi

Approved:     Ayes – 5  
                  Nays – 0

**Item # 7– 179 Homer Ave – (CB) – (DelVecchio Family) – Area Variance to build a glass/plexiglass green house in front of restaurant (lot coverage)**

This item is required to go to the County Planning Commission prior, it is tabled until the August 11, 2014 Zoning Board of Appeals Commission meeting.

**Item # 8– 31 Yong Street – (R1) – (Mike Dugan/Dusty Dugan) – Area Variance to build a 6 foot solid privacy fence on side of house on property.**

Ellen Dugan explained her application request as a co-owner of the property with her son and daughter-in-law and they want to put up a privacy fence to have a picnic area and lounge chairs. There really is no backyard for this property, placement at the end of the house – 25 feet back from Cowen Street, 17 feet back from Yong Street, and 7 feet from the property line of the neighbors (whom they spoke to with no objections). This is a privacy fence (not open), the variance being the height.

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 to approve the Area Variance as presented by Comm. Funk due to the unique nature of the lot and seconded by Comm. Place.

Approved:     Ayes – 5  
                  Nays – 0

**Item # 1– 41 Prospect Terrace – (R1) – (Paul Walsh) – Use Variance for widening the driveway, repairing existing asphalt, installing safety railings and extending retaining wall, enclosure/dumpster.**

Paul Walsh (EMI Group) provided financial documentation in support of the financial hardship criteria. Clearly indicates meeting the financial hardship criteria of the variance.

Changes made to the drawing indicates only two parking spots with the trash enclosure placed in parking spot “C”.

The proposal allows for the service trucks to stay on the road with the trash enclosure set at parking spot labeled “C”; using the garbage tote system. There is 6ft wall on enclosure-no issue of visibility. The trash enclosure will not extend beyond the front of the building.

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

Approved:     Ayes – 5  
                  Nays – 0

A SEQR application was completed.

A motion was made by Comm. Funk that there is no significant adverse environmental impacts with this application and was seconded by Comm. Place.

Approved:     Ayes – 5  
                  Nays – 0

A motion was made by Comm. Place to approve the Use Variance as presented for the addition of 2 parking spots (A&B) and retaining wall in the diagram as submitted and seconded by Comm. Steve.

Approved:     Ayes – 5  
                  Nays – 0

For the Area Variance-A motion was made by Comm. Funk to approve the area variance on the grounds that it will not significantly alter the character of the neighborhood, positioned no closer (to the street) than the front of the building and placed in parking spot “C” with 4 ft. screening as required. This allows for a visual buffer to the trash containment system as per the drawing (side yard) with bushes in front of the enclosure; the motion was seconded by Comm. Steve.

Approved: Ayes – 5  
Nays – 0

**Minutes**

The minutes from June 9, 2014. A motion by Comm. Funk to accept the minutes of June 9, 2014 as amended and seconded by Comm. Place.

Approved: Ayes – 5  
Nays – 0

**New Business:** the letter was sent to the attorney in support of a full-time zoning officer.

**Adjournment**

On the motion of Comm. Funk and seconded by Comm. Place, 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 14<sup>th</sup> DAY OF JULY IN THE YEAR 2014.**

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**MARY KAY HICKEY, ZBA MEMBER**