

Zoning Board of Appeals
City of Cortland
Monday, September 8, 2014

A regular meeting of the Zoning Board of Appeals was held on Monday, September 8, 2014 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair, Mary Kay Hickey, Commissioners David Funk, Christine Place, Phyllis McGinley, Dave Dovi

Absent: Comm. Scott Steve

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 – 115 Port Watson Street – (GI) – (Bushmich) – Special Use Permit

Automotive repair, dismantle and sale of parts on internet

The primary use is to dismantle vehicles indoors, stock shelves and sell parts on the internet. Applicant is in the process of getting a state license for his business. It is for standard cars and trucks. He plans to have operating hours of 8:00 am till 5:00 pm Monday through Saturday.

There are no parking issues. There is outdoor scrap container. Applicant states he will be properly removing all fluids-waste and it will be re-used, re-cycled or put in proper disposal containers.

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

Approved: Ayes – 5
Nays – 0

A SEQR review was completed for the application. A motion was made by Comm. Funk finding no significant environmental impacts and was seconded by Comm. Place.

Approved: Ayes – 5
Nays – 0

A motion was made by Comm. Funk to approve the Special Use Permit with the stipulation that the area where vehicles are stored for repair be screened from the residential district, the applicant will have up to five (5) days to have vehicles moved inside after being delivered or off-loaded, and that the applicant obtain all necessary permits and licenses to operate. The motion was seconded by Comm. Place.

Approved: Ayes – 5
Nays – 0

Item #2 – 55 Clayton Ave (Ed Bennedy) – (R1) – Area Variance

Extension of parking lot (asphalt coverage-green area and additional two parking spaces

Applicant was not present, the application was moved to the end of the agenda.

Item # 3 – 77-79 Evergreen Street – (R1) – (Mark Leonard) – Area Variance

Building a larger porch which will encroach two feet towards front property line

Mark Leonard (Contractor) states he is removing a front porch and at the owner’s request will rebuild two feet closer to the property line 10’6” wide; increasing 2 feet in each direction in width and extending 2 feet into the required front yard.

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

Approved: Ayes – 5
 Nays – 0

A motion was made by Comm. Funk to approve the area variance application allowing the porch be up to 8’ deep. The motion was seconded by Comm. Place.

Approved: Ayes – 5
 Nays – 0

Item # 4 – 31 Main Street – (GB) – (Tom Terwilliger) – Area Variance

Signage exceeding 25%

Owners Tom and Shannon Terwilliger already have 27 square feet of signage between two signs which exceeds the allowed area by 1 ½ square feet. Any other alternative would present problem left by the prior sign which was up for 22 years. There are three separate businesses in one – wine/gifts/events. Lighting must to comply with code and will be reviewed by Historic Commission.

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

Approved: Ayes – 5
 Nays – 0

A motion was made by Comm. Dovi to approve the application as presented because the variance is small and its proportionally pleasing, with approval from the Historic Commission as well. The motion was seconded by Comm. Funk.

Approved: Ayes – 5
 Nays – 0

Item #5 – 1 Sampson Street – (R1) – (CS Griswold) – Area Variance

Maintain 8’ high fence at rear of property

Applicant is requesting an Area Variance to allow for an existing 8’ fence in the rear yard where code stipulates 6’.

Scott Poland, adjacent property owner (115 N. Main Street) states the bad side of the fence is facing out, where it should be facing in. Also, previously had contacted Code for violations of footers dug partially on his property and digging on his property however Code never answered the call of complaint. He has to park on the sidewalk because of the new fence.

*Chair Comm. Hickey reminds the public they are only able to review the application request at this time of the 8' fence. She asked Mr. Poland if he objected to the 8' height of the fence and he stated no.

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

Approved: Ayes – 5
Nays – 0

A motion was made by Comm. Place to approve the Area Variance Application of the fence height as presented because the property owner adjacent doesn't find the fence height objectionable. The motion was seconded by Comm. Dovi.

Approved: Ayes – 4
Nays – 1 (Comm. Funk)

Item #6 – 3 Sampson Street – (R1) – (CS Griswold) – Area Variance

Maintain 8' high fence at rear of property

The same applicant as 1 Sampson Street if agenda item #5 with the same fence. There are no circumstances different from 1 Sampson Street and has the same criteria.

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. Place to approve the Area Variance Application of the fence height as presented because the property owner adjacent doesn't find the fence height to be objectionable. The motion was seconded by Comm. Dovi.

Approved: Ayes – 4
Nays – 1 (Comm. Funk)

Item #2 – 55 Clayton Ave (Ed Bennedy) – (R1) – Area Variance

Extension of parking lot (asphalt coverage-green area and additional two parking spaces

A motion was made by Comm. Funk to table the application until more accurate information is presented and the map is more accurate to scale and the number of cars being parked is decided. The motion was seconded by Comm. McGinley.

Approved: Ayes – 5
Nays – 0

Minutes

The minutes from August 11, 2014. A motion by Comm. Funk to accept the minutes of August 11, 2014 as amended and seconded by Comm. McGinley.

Approved: Ayes – 5
 Nays – 0

New/old Business

With the resignation of Wayne Hansen, the City is looking for a replacement. With the requirement of the board not having a majority party, the process may take some time. If you have any suggestions, please forward them on to the City for consideration.

The next Zoning Board of Appeals meeting is on a holiday (Columbus Day), therefore rescheduling the meeting to October 20, 2014 at 5:00 pm.

Comm. Place requested a review of procedures to see if we can add a disclaimer to all applications to state: *By signing here you are allowing city officers onto property for inspection and review.* Shellie indicated she would check with Corporation Counsel on the request.

Also, Comm. Place asked about the deadline dates and ample time for applications to avoid late agenda items.

Also, a request was made to the Deputy Chief Knickerbocker to follow up on statements of code violations that came up during agenda item # 5 and #6. He agreed to review.

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 8th DAY OF SEPTEMBER IN THE YEAR 2014.

MARY KAY HICKEY, ZBA MEMBER