

Zoning Board of Appeals  
City of Cortland  
**Monday, December 8, 2014**

A regular meeting of the Zoning Board of Appeals was held on Monday, December 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, Scott Steve, Emily Discenza

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 – 160 Clinton Ave / Sky Nails (GB) – (Muraco) – Area Variance**  
*Installation of new business sign*

The applicant was not in attendance to present the application. The application was moved to the end of the agenda to allow for applicant to appear.

**Item #2 – 32 Pleasant Street (Rosemary Russell) – (R1) – Area Variance**  
*Building a 7' x 24' deck with steps extending to edge of sidewalk (replacing existing steps)*

Rosemary Russell present- the area variance is for her elderly mother who wants to have a porch to receive visitors that is level and safe. Also to repair the stairs and railings to make them level and longer for safety concerns as well. The applicant stated the existing enclosed porch area is actually part of the house as interior space. There were discussions and suggestions on modifications that could work vs. the current plans. The modifications would reduce the size of the variance and its impact on nearby properties.

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

Approved: Ayes – 7  
Nays – 0

A motion was made by Comm. Funk to table the Area Variance application to allow the applicant to provide more information on what the changes will look like, with the suggestion from the ZBA that the new porch be no more than 7 feet deep and extend only to the center line of the house. The motion was seconded by Comm. Steve.

Approved: Ayes – 7  
Nays – 0

**Item # 3 – 89 Tompkins Street – (R2) – (Ruggiero) – Interpretation**

*Appeal: Refusal to enforce zoning laws*

Applicant (Gerry Ruggiero) asked Commissioner Phyllis McGinley to recuse from the meeting stating she would not be impartial due to prior conflict. The board asked if Phyllis McGinley if she was willing to recuse herself and she indicated she would. Comm. McGinley left the room for this portion of the meeting.

The applicant, Gerry Ruggiero, states the property at 89 Tompkins Street is a house that violates the 3 unrelated law. He states it is R2, four family non-conforming house (300-14 area regulations for R2 indicates a certain percentage has to be green space. This landlord was allowed to pave his whole backyard without the proper variance from this ZBA. A complaint was made (by another landlord and Mr. Ruggiero) to the City and Mr. Ruggiero believes this belongs in front of the ZBA. He alleges the city, lawyers, zoning, code, mayor, politicians are setting the standard on how to proceed. Mr. Ruggiero is asking to either force the homeowner to take out the parking lot or to have the homeowner apply for a variance. He feels the City does not enforce code and laws equally.

Comm. Funk asked if this got site plan approval, Robert Rhea, Zoning Officer replied yes. The board indicated they have not seen any supporting information regarding this property to make any decisions.

A motion to close the public hearing was made by Comm. Funk and seconded by Comm. Place. (Close the public hearing and still have 62 days to render a decision)

Approved:     Ayes – 6  
                  Nays – 0  
                  Recused – 1 (Comm. McGinley)

A motion was made by Comm. Place to table any decisions until information can be made available to the Commission from various resources. The motion was seconded by Comm. Funk. The information requested by the board include:

- Discussion, minutes and submitted plans to the City Planning Board for the Site Plan Review Application
- Building Permit Application
- Any information from the property file regarding the status of the property when it was purchased-or as far back as possible and relevant to the parking issue
- Photos of current parking lot
- Legal review of the application by Corporation Counsel

Approved:     Ayes – 6  
                  Nays – 0  
                  Recused – 1 (Comm. McGinley)

Noted: Comm. McGinley returned to the meeting.

**Item # 4 – 8 Hill Street – (R2) – (Ruggiero) – Interpretation**

*Appeal: Denial of CZO*

This house was converted to student housing in 1999; it was an 8 bedroom house, a very large house –with over 3000 sq. feet. What is the grandfather date for the three unrelated law? Mr. Ruggiero provided his interpretation that he believes the date is 1978. Mr. Ruggiero feels he is being treated unfairly with his property citing other properties similar to his have been approved and feels he is eligible for a CZO. He feels the laws are not being enforced equally. He states he has a 3000 square foot house in the heart of the college campus right along with other properties who have been granted CZO's. Mr. Ruggiero claims that the lapse was not voluntary and that other properties have had similar lapses followed by reinstatement of a use. Mr. Ruggiero also stated he has not completed a CZO application.

Mr. Ruggiero has once again asked Comm. McGinley to recuse herself. Comm. McGinley recused herself again for the matter of 8 Hill Street.

It was explained to Mr. Ruggiero he needs to submit a complete application for the CZO or for a variance in order for the Zoning Board of Appeals to take action.

A motion was made by Comm. Funk to table the decision until information can be made available to the Commission from various sources. The Motion was seconded by Comm. Dovi. The information requested by the board included:

- Legal opinion of the grandfather date that can be used from this point forward
- Legal clarification of the lapse issue
- A check on the accuracy of the history presented by the applicant (property files)
- A completed application for a CZO

Approved: Ayes – 6  
Nays – 0  
Recused – 1 (Comm. McGinley)

Comm. McGinley returned to the meeting.

**Item #1 – 160 Clinton Ave / Sky Nails (GB) – (Muraco) – Area Variance**

*Installation of new business sign*

The applicant was not in attendance to present the application. A motion was made by Comm. Funk to table the Area Variance application for 160 Clinton Ave / Sky Nails until the January 2015 meeting so applicant has opportunity to be in attendance and provide information on the location and dimensions of the sign. The motion was seconded by Comm. Place.

Approved:   Ayes – 7  
              Nays – 0

**Minutes**

The minutes from October 20, 2014 will be reviewed at the January 12, 2015 meeting. There was no meeting in November.

**Note: this meeting was videotaped through the conclusion of Item #4 (8 Hill Street) if there are any questions or concerns or additional information is needed, the tape is available for viewing.**

**Adjournment**

On the motion of Comm. McGinley and seconded by Comm. Discenza, voted and carried to adjourn meeting.

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 8<sup>th</sup> DAY OF DECEMBER IN THE YEAR 2014.**

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**MARY KAY HICKEY, ZBA MEMBER**