

Zoning Board of Appeals
City of Cortland
Monday, March 9, 2015

A regular meeting of the Zoning Board of Appeals was held on Monday, March 9, 2015 at 5:00 PM in the Mayor’s Conference Room at City Hall.

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

Absent: Comm. Scott Steve, Phyllis McGinley

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 – 11 Water Street (R1) – (Curley) – Area Variance

Non-Conforming Lot; Widen Driveway by 2 feet; Area Variance of front yard green space to 64%

Applicant not present / Bob Rhea, Zoning Officer will present on behalf of applicant:

Driveway is 13 feet wide, applicant would like to park two cars side by side therefore needing to widen the driveway by 2 feet. The front yard green space would go from 67% to 64%, with 65% being required.

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

Approved: Ayes – 4
Nays – 0

A motion was made by Comm. Place to approve the 2 foot widening of the existing driveway as presented. The motion was seconded by Comm. Funk.

Approved: Ayes – 4
Nays – 0

Item # 2 – 89 Tompkins Street – (R2) – (Ruggiero) – Interpretation

*Appeal: Refusal to enforce zoning laws (Too general a request that asks for no action)
Continued from previous meeting; Corporation Counsel to provide advise*

This agenda item was tabled from February 9, 2015 planning meeting due to a request of legal advice. Chairperson Hickey expressed to the public that the public hearing has been closed. Chairperson Hickey and Comm. Funk both reviewed the property file prior to the meeting.

Deputy Chief Knickerbocker provided a copy of the Certificate of Compliance for the project. It had been issued by the officer who performed the final inspection in August 2014. Although the record had been entered into the electronic record management system at the time, a hard copy was not placed in the property file.

It was requested the applicant (Gerry Ruggiero) be removed from the meeting due to his non-compliance to adhere to the board's meeting rules during a closed public hearing.

The Certificate of Compliance was issued on August 19, 2014 after a visit by the Zoning Officer and the Building Inspector. This establishes that the project is complete, with the exception of final surfacing and the placement of a grate, which had to wait for better weather. The Zoning Board of Appeals has no jurisdiction on this anymore. The complaint was not formal and was filed too late (beyond the 60 days).

A motion was made by Comm. Place that because the application was submitted after the 60 day legal time frame using 08/19/2014 date (Certificate of Compliance issued after a visit by the Zoning Office and Building Inspector), the ZBA denies the applicant's request to re-visit the Zoning Officer's decision and was seconded by Comm. Hickey.

Approved: Ayes – 4
 Nays – 0

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

Appeal: Denial of CZO; Mr. Ruggiero completed the application requesting 10 tenants; Mr. Rhea (ZEO) denied the application.

A motion was made by Comm. Funk to table the agenda item in fairness to applicant who is not present. The Motion was seconded by Comm. Dovi.

Approved: Ayes – 4
 Nays – 0

Minutes: A motion was made by Comm. Place to table the January 2015 minutes until the April 13, 2015 meeting. The motion was seconded by Comm. Funk.

Approved: Ayes – 4
 Nays – 0

Other business:

Comm. Place provided information on a conference she attended at the Onondaga County Symposium that would be beneficial to the ZBA with handouts.

The board spent some time discussing ways to avoid things falling through the cracks and ways to establish whether or not changes in use have occurred over time. They also discussed some elements that should be conveyed to the attention of the Common Council Board (recommended process changes).

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 9th DAY OF MARCH IN THE YEAR 2015.

MARY KAY HICKEY, ZBA MEMBER