

Zoning Board of Appeals  
City of Cortland  
**Monday, December 14, 2015**

A regular meeting of the Zoning Board of Appeals was held on Monday, December 14, 2015 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair Mary Kay Hickey, Commissioners David Funk, Christine Place, Juliene Ray, Phyllis McGinley, and Scott Steve

Absent: Commissioner Dave Dovi

Staff: Zoning Officer Bob Rhea; Deputy Chief William Knickerbocker,  
Secretary Devon Rainbow

The meeting was called to order at 5:00 pm

**Item #1 – 92 Greenbush (Collazo) – Area Variance – (R1)**

- *Adding a shed in the side yard*

Jennifer Collazo explained that she has purchased a shed to store all her winter shovels and snow blower in. It’s 52x72 inches. They could put it in the back of the yard except that it is harder to get the equipment out and to the driveway to use.

There is concern for fire hazard with storing the snow blower too close to the house.

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

Approved: Ayes – 6  
Nays – 0

A motion was made by Comm. Place to approve relocation of the shed to the southwest corner of driveway towards the rear yard. The Motion was seconded by Comm. Ray

Approved: Ayes – 6  
Nays – 0

**Item #2 – 10 Pleasant Street (S&Q Real Estate) – Interpretation– (R1)**

- Interpretation of loss of legal, nonconforming use

Dan Ellis (attorney for the owner) was present and handed out a time line of events for all the work that was done. The vacancy started in June of 2013. The owners remodeled the apartment during the nights and weekends from the start of the vacancy. Materials were purchased in 2012 to start remodeling. Remodeling finished November 2014. The owners were notified that the nonconforming use had lapsed in spring of 2015. The owners were unaware that there was a time limit on the vacancy. The owners thought they had leases in August 2013 and December 2014, but the arrangements fell through on both occasions.

The remodeling was basic maintenance of the apartment. The property was in a rentable state, as it was leased twice. There was no money exchanged with the leases that fell through. The owners have to maintain a 6 person occupancy in order to keep the grandfather status according to the code. The house was vacant for 2 years.

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

Approved:     Ayes – 6  
                  Nays – 0

A motion was made by Comm. Funk to uphold decision of zoning officer that there was a loss of the legal nonconforming use based on lapsed time and was seconded by Comm. Ray.

Approved:     Ayes – 6  
                  Nays – 0

### **Minutes**

Approval of November 30, 2015 minutes as amended, moved by Comm. Steve and seconded by Comm. McGinley

Approved:     Ayes – 5 (Comm. Funk out of the room)  
                  Nays – 0

### **New/Old**

Mary Kay Hickey shared some recommendations from past issues that have come in front of the ZBA. Any Variance application, needs to give neighbors notification. The zoning revision committee should look into requiring that a sign be posted on the property notifying neighbors of the variance application. Need more clarification on subdivisions/consolidations, the number of signs constituted by a pole sign, signs on the side of a building, nonconforming lot vs nonconforming use, the number of dwellings allowed on a lot (there is some disagreement between code sections), and signage in the Riverside Plaza area at the interstate exit.

With respect to loose ends from applications that have either been acted on or tabled, the Zoning Officer has spoken to Calabro about making the paving on his property conform to the site plan approved by the Planning Commission. He will be taking care of it in the spring. The Reeners application for consolidation is under study by Corporation Counsel. Still waiting on 16 Owego Street to do work on his property.

### **Adjournment**

On the motion of Comm. Place and seconded by Comm. McGinley, 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 14<sup>th</sup> DAY OF DECEMBER IN THE YEAR 2015.**

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**MARY KAY HICKEY, ZBA MEMBER**