

Zoning Board of Appeals
City of Cortland
Monday, January 11, 2016

A regular meeting of the Zoning Board of Appeals was held on Monday, January 11, 2016 at 5:00 PM in the Mayor’s Conference Room at City Hall.

Present: Chair David Funk, Commissioners Dave Dovi, Christine Place, Juliene Ray, Phyllis McGinley, Scott Steve, and Beau Harbin

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

The meeting was called to order at 5:00 pm

It was asked that Item #1 be moved to the end of the agenda. All Commissioners approved.

Item #2 - 106 Groton Ave (Tucci) – Area Variance – (R1)

- Fence with supports on outside and finished side inside

Joe Tucci, the owner was present. He explained that he needed to replace his fence so he started to tear it down. He contracted with Lowes to replace the fence. He was under the impression that they were going to get the building permit. He told Lowes to replace the fence as it was originally. The previous fence was originally put up the wrong way with supports on the outside and finished side inside. Lowes is supposed to come get a permit after the Area Variance.

Jim Reeners, a neighbor to the West of the property, was present and has no issues or concerns with the fence as it is.

Comm. Dovi expressed that it falls on the contractor because they were supposed to get the building permit. If they got the permit first then they would have known that they cannot build a fence that way. As a contractor, you are supposed to follow the rules and regulations.

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

Approved: Ayes – 7
Nays – 0

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

Denied: Ayes – 7
Nays – 0

Item #3 – 8 Snyder Drive (Alexander) – Area Variance – (R1)

- Side set back less than 7 feet

David Alexander (Attorney for property owner) was present for the meeting. Years ago 8 Snyder Drive built a garage over 10 Snyder's lot line. At that time the owners deeded an easement. 10 Snyder is selling their property and they want to get a permanent easement before the final sale. 8 Snyder recently purchased some land from 10 Snyder in a lot line movement to correct encroachment of the garage onto 10 Snyder. The garage is now 3.7 feet from lot line, the code calls for 7 feet.

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

Approved: Ayes – 7
 Nays – 0

A motion was made by Comm. Steve to approve the application and was seconded by Comm. Harbin.

Approved: Ayes – 7
 Nays – 0

Item #4 – 10 Snyder Drive (Alexander) – Area Variance - (R1)

- Side set back less than 7 feet

David Alexander (Attorney for property owner) was present for the meeting. After the lot line movement, the house is 5.7 feet from the side line and code calls for 7 feet.

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

Approved: Ayes – 7
 Nays – 0

A motion was made by Comm. Steve to approve the application and was seconded by Comm. Ray

Approve: Ayes – 7
 Nays – 0

Item #5 – 115 Port Watson St (Bustimich) – Special Use Permit - (GI)

- Used car sales as accessory use in General Industrial district

Ruvim Bustimich was present for the meeting. He is requesting a special use permit for used car sales at his business on 115 Port Watson. This would be an accessory use to his used parts sales. There is a need for parking of more than 20 vehicles in front of his building while he waits for necessary paperwork to come in. His hours of operation are expected to be from 7AM - 6PM. There are no physical changes, construction or demolition to take place. There are not going to be any signs or balloons out advertising cars for sale. He is responsible for all liquids that are in the vehicles and disposes of them. This is regulated by the Department of Environmental Conservation.

Chief Bill Knickerbocker commented that there is a sprinkler system in the new building and no issue with egress.

Jim Reeners from the Planning Commission was present. He is in support of what Ruvim is trying to do. Auto sales cannot be a primary business in this district but can be an accessory. He wants to help this

young man in his business. This Special Use Permit will help him do what he needs to do now and in the future.

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

Approved: Ayes – 6
 Nays – 0
 Abstain – Comm. Steve

A motion was made by Comm. Place to approve the application as presented and was seconded by Comm. McGinley

Approve: Ayes – 6
 Nays – 0
 Abstain – Comm. Steve

Item #6 – 134 Homer Ave (CRMC) - Area Variance – (PO)

- Front setback less than 25 feet for MRI addition on West Main St.

Denise Wrinn was present for the meeting. She explained that they are placing a permanent MRI station where the mobile one is on West Main. It will be a one story modular building on a large amount of concrete. The outside will be a brick that matches the current building. The proposed MRI addition will be approximately 14' from the property line and 25' is required. The chiller for the MRI will go on the roof rather than on the ground. There will not be an entrance on this side for the MRI building. Patients will have to use one of the main entrances.

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

Approved: Ayes – 7
 Nays – 0

A motion was made by Comm. Steve to approve the application and was seconded by Comm. Dovi

Approve: Ayes – 7
 Nays – 0

Item #1 – Nomination of new Chair.

A motion was made by Comm. Place to nominate Comm. David Funk as the new Chair and seconded by Comm. Ray.

Approved: Ayes – 7
 Nays – 0

A motion was made by Comm. Steve to nominate Comm. Christine Place as Vice Chair and was seconded by Comm. Funk.

Approved: Ayes – 7
 Nays – 0

Minutes

Approval of December 14, 2015 minutes as amended, moved by Comm. Steve and seconded by Comm. Place

Approved: Ayes – 7
 Nays – 0

New/Old Business

The ZBA members would like to receive draft minutes that are done on properties from the County Planning and any done by the City Planning board.

Comm. Steve reviewed the requirements of notification required to be sent out to let the public and neighbors.

Adjournment

On the motion of Comm. Dovi and seconded by Comm. Harbin, voted and carried to adjourn meeting.

Approved: Ayes – 7
 Nays – 0

I, DAVID FUNK, 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 11th DAY OF JANUARY IN THE YEAR 2016.

DAVID FUNK, ZBA MEMBER