



# CITY OF CORTLAND ZONING BOARD OF APPEALS

CITY HALL • THIRD FLOOR • 25 COURT ST. • CORTLAND NY

## MEETING: JUNE 12, 2023 | 5:30 PM MINUTES

MAYOR  
SCOTT STEVE

### ZONING BOARD OF APPEALS

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THOMAS LARSON  
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### RECORD OF DECISIONS

RECORD NO. 2023.06.12 - 01 ADDRESS: 14 Fox Hollow  
APPLICATION: Area Variance APPLICANT: James Lindley  
DECISION: Approved

RECORD NO. 2023.06.12 - 02 ADDRESS: 21 Park St.  
APPLICATION: Area Variance APPLICANT: Robin Ptak  
DECISION: Approved

RECORD NO. 2023.06.12 - 03 ADDRESS: 66 Huntington St.  
APPLICATION: Area Variance APPLICANT: Joseph Netti  
DECISION: Approved

RECORD NO. 2023.06.12 - 04 ADDRESS: 72 W. Main St.  
APPLICATION: Area Variance APPLICANT: Danielle Schlenker  
DECISION: Approved

RECORD NO. 2023.06.12 - 05 ADDRESS: 178 Tompkins St.  
APPLICATION: Area Variance APPLICANT: Brian Rood  
DECISION: Approved

RECORD NO. 2023.06.12 - 06 ADDRESS: 98 Evergreen St.  
APPLICATION: Area Variance APPLICANT: Patrick Fitzgerald  
DECISION: Approved as submitted inclusive of the provision that the fence cannot extend beyond the front of the house.



# CITY OF CORTLAND ZONING BOARD OF APPEALS

## JUNE 12, 2023 MEETING MINUTES

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### CALL TO ORDER AND ROLL CALL

The regularly scheduled meeting of the City of Cortland Zoning Board of Appeals (ZBA) was called to order at 5:32 p.m. in the Common Council Chambers of City Hall, 25 Court St. Cortland NY. The following ZBA members were recorded present:

Kyle Davis  
Thomas Larson  
Ray Parker (recorded present at 5:41 p.m.)  
Juliene Ray

The following members were recorded absent:

Brett Barnes

### VARIANCE APPLICATIONS

#### **Record of Decision 2023.06.12 - 01      Area Variance - 14 Fox Hollow**

A public hearing was opened at 5:32 p.m. The applicant, James Lindley, seeks a variance relating to minimum lot size requirements for a deck expansion. A neighbor communicated a concern about clutter on the property which was referred to the Code Enforcement Division. The public hearing was closed at 5:34 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?  
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?  
Answer: No
3. Whether the requested area variance is substantial?  
Answer: Yes
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?  
Answer: No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?  
Answer: Yes

**Decision:** A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Ray

Seconded by: Board Member Davis  
Approved: Ayes – 3 [Davis, Larson, Ray]  
Nays – 0

**Record of Decision 2023.06.12 - 02 Area Variance - 21 Park St.**

A public hearing was open at 5:39 p.m. The applicant, Robin Ptak, seeks a variance relating to minimum lot size requirements for placement of a temporary mobility ramp to meet medical, physical and emergency needs. The Code Enforcement Officer clarified that the Area Variance would apply only for the purpose of a ramp. The public hearing was closed at 5:43 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?  
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?  
Answer: No
3. Whether the requested area variance is substantial?  
Answer: No
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?  
Answer: No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?  
Answer: No

**Decision:** A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Ray  
Seconded by: Board Member Davis  
Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

**Record of Decision 2023.06.12 - 03 Area Variance - 66 Huntington St.**

A public hearing was open at 5:49 p.m. The applicant, Joseph Netti seeks a variance relating to minimum lot size requirements for addition of a carport. Questions were posed relating to run-off of water from the proposed carport and whether the run-off would affect neighboring property. A discussion also took place regarding the amount of space covered by impervious material which exceeds that allowed by the Administrative Code. The Board noted that the map included with the application is not up to date. The public hearing was closed at 6:03 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?  
Answer: Yes
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?  
Answer: Yes
3. Whether the requested area variance is substantial?  
Answer: Yes
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?  
Answer: Yes
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?  
Answer: Yes

**Decision:** A motion was adopted to deny the Area Variance application.

Motioned by: Board Member Larson

Seconded by: Board Member Parker

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

**Area Variance Application - 37-39 Port Watson St.**

A public hearing was opened at 6:15 p.m. The applicant, Paul Gallow seeks a bulk area variance for construction of a multi-unit building. The CEO conveyed concerns from a resident about how lighting and headlights will be kept from affecting neighboring properties. Al Waller, residing at an adjacent property, 52 Church St., and Alyssa Milligan, residing at 54 Church St. expressed concerns about privacy, noise and other issues. The CEO discussed potential mitigation efforts. The public hearing was closed at 6:29 p.m.

**Tabled:** A motion was made and approved to table the application pending submission of updated maps and and further review.

Motioned by: Board Member Larson

Seconded by: Board Member Davis

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

**Record of Decision 2023.06.12 – 4 Area Variance Application - 72 W. Main St.**

A public hearing was open at 7:28 p.m. The applicant, Danielle Schlenker, seeks a variance relating to minimum lot size requirements for a deck extension. The public hearing was closed at 7:38 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?  
Answer: No

2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?  
Answer: No
3. Whether the requested area variance is substantial?  
Answer: Yes
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?  
Answer: No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?  
Answer: Yes

**Decision:** A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Davis

Seconded by: Board Member Parker

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

**Record of Decision 2023.06.12 - 5 Area Variance Application - 178 Tompkins St.**

A public hearing was open at 7:41 p.m. The applicant, Brian Rood, seeks a variance relating to minimum lot size requirements for a 2 foot enlargement of the driveway. The public hearing was closed at 7:44 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?  
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?  
Answer: No
3. Whether the requested area variance is substantial?  
Answer: No
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?  
Answer: No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?  
Answer: No

**Decision:** A motion was adopted to approve the Area Variance application as submitted.

Motioned by: Board Member Parker

Seconded by: Board Member Davis

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

**Record of Decision 2023.06.12 - 6 Area Variance Application - 98 Evergreen St.**

A public hearing was open at 7:48 p.m. The applicant, Patrick Fitzgerald, seeks a variance for construction of a privacy fence on the front yard of a corner lot. The public hearing was closed at 7:52 p.m.

The Zoning Board of Appeals considered and discussed the Area Variance Five Factor test pursuant to City Code, Article XV Section 300-150. The following factors were discussed and answered.

1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance?  
Answer: No
2. Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue, other than an area variance?  
Answer: No
3. Whether the requested area variance is substantial?  
Answer: No
4. Whether the proposed variance will have an adverse effect or impact on the physical environmental conditions in the neighborhood or district?  
Answer: No
5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance?  
Answer: No

**Decision:** A motion was adopted to approve the Area Variance application as submitted inclusive of the provision that the fence cannot extend beyond the front of the house.

Motioned by: Board Member Ray

Seconded by: Board Member Parker

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

**Area Variance Application - 146 Groton Ave.**

A public hearing was open at 7:57 p.m. The applicant, Grace Goyal seeks a variance for construction of a fence and future projects. The CEO stated that the Board does not have authority to approve an Area Variance for future project. The public hearing was closed at 8:07 p.m.

**Tabled:** A motion was made to table the agenda item to a future meeting.

Motioned by: Board Member Parker

Seconded by: Board Member Ray

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

APPROVAL OF THE MINUTES

A motion was made and approved to accept the minutes of the May 8, 2023 ZBA meeting.

Motioned by: Board Member Parker

Seconded by: Board Member Davis

Approved: Ayes – 4 [Davis, Larson, Parker, Ray]  
Nays – 0

ADJOURNMENT

The meeting was adjourned at 8:09 p.m. on motion of Ms. Ray.

**I, ANDREW T. JEWETT, CITY CLERK FOR THE CITY OF CORTLAND, NEW YORK, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT RECORD OF THE MOTIONS AND PROCEEDINGS OF A REGULARLY SCHEDULED MEETING OF THE CITY OF CORTLAND ZONING BOARD OF APPEALS HELD ON JUNE 12, 2023.**

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**ANDREW T. JEWETT, CITY CLERK**