

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Public Hearing & Meeting Minutes - Thursday, 5 May 2016 - 7 PM
Village Hall - Mayor's Office - 53 So. Main Street - Homer, NY

Board Members

Tim Maxson, Chairman
Amber Eckard
Tammy Goddard
*Andrew Hoffman
Adam Clifford

(*absent)

Others Present

Joan E. Fitch, Board Secretary
Craig Umbehauer, CEO

Applicants/Public Present

Adam Clifford, Applicant; (V)Homer Trustee Patrick Clune.

The Public Hearing was opened at 7 p.m. with the reading aloud by the Board Secretary of the Public Hearing Notice as published in the *Cortland Standard*. Proof of Publication has been placed on file for the record.

APPEAL #460

Adam & Marisa Clifford, Applicants/Reputed Owners - 9 Elm Avenue - TM #66.74-01-13.000 - Restore Front Porch Closer to Property Line than Allowed.

(It is noted for the record that ZBA Member Adam Clifford, who was also the appellant, recused himself from the Board for this matter.)

Chair Maxson recognized Mr. Clifford who explained to those present that he and his wife were seeking an area variance to restore the large front porch on his existing home, as explained in the narrative which accompanied the application. The new porch, measuring 8.66 feet by 13 feet, will extend closer to the sidewalk than the current small porch which was retained to provide access to the front entrance of the home. The original porch was a "wrap-around" porch, but it will not be restored to that style because it would be where the driveway exists today. Mr. Clifford retained an architect, Brian Buttner of ADR Associates in Freeville, NY, who researched the home and reviewed historic photos in order to come up with a restoration of the porch to reflect the home's original lines and intricate detail. A "Porch Elevation" rendering of what was proposed was also attached to the application.

The original porch was non-conforming, but the proposed porch will actually be more non-conforming than it was: 15 ft. v. 12.5 ft. (setback required is 30 feet).

It is noted for the record that a memo dated 3 March 2016 had been received from Dan Dineen, Director of Cortland County Planning, advising that this request was technically adequate and had no State- or County-wide impact, so it was returned to the Village for their consideration.

Chair Maxson asked if there was anyone present who wished to speak on this appeal; there was no one.

**With everyone having been heard who wished to be heard,
Chairman Maxson closed the Public Hearing at 7:10 p.m.**

BOARD DISCUSSION/DECISION

With no further questions or comments, those Board members present proceeded with the required "balancing test," as follows:

- 1. Can the benefit be achieved by other means feasible to the applicant?
Finding: No. All agreed.
- 2. Will there be an undesirable change in neighborhood character or a detriment to nearby properties?
Finding: No. All agreed.
- 3. Is the request substantial?
Finding: No. All agreed.
- 4. Will the request have adverse physical or environmental effects?
Finding: No. All agreed.
- 5. Is the alleged difficulty self-created?
Finding: No. All agreed.

A motion was then made by Member Amber Eckard to grant the area variance for a porch closer to the property line than allowed, as requested. The motion was seconded by Member Tammy Goddard, with the vote recorded as follows:

| | |
|---------------------------|---------------------------------|
| Ayes: Chair Maxson | Nays: None |
| Member Eckard | |
| Member Goddard | Absent: Member Hoffman |
| | Recused: Member Clifford |

Motion carried.

This becomes Action #460/1 of 2016.

APPROVAL OF MINUTES – 30 OCTOBER 2014 & 24 SEPTEMBER 2015

The Board Secretary advised the members present that the Minutes of 10/30/14, 8/25/15, 9/10/15, 9/24/15, and 11/24/15 had not been approved, the reason being that there had previously never been those members who attended those meetings who were present at one time. The only Minutes that could be approved at this meeting were those of 30 October 2014 and 24 September 2015 as there were three ZBA members in attendance who also attended those meetings.

30 October 2014

Therefore, a motion was made by Member Goddard to approve the ZBA Minutes of 30 October 2014, as submitted. The motion was seconded by Member Eckard, with the vote recorded as follows:

| | |
|---------------------------|---------------------------------|
| Ayes: Chair Maxson | Nays: None |
| Member Eckard | |
| Member Goddard | Absent: Member Hoffman |
| | Abstain: Member Clifford |

Motion carried.

This becomes Action #2 of 2016.

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Public Hearing & Meeting Minutes - Thursday, 30 June 2016 - 7 PM
Village Hall - Mayor's Office - 53 So. Main Street - Homer, NY

Board Members

(*absent)

Others Present

Tim Maxson, Chairman
Amber Eckard
*Tammy Goddard
*Andrew Hoffman
Adam Clifford

Joan E. Fitch, Board Secretary
Craig Umbehauer, CEO

Applicants/Public Present

Tonya Marie Fuller, Applicant; (V)Homer Trustee Patrick Clune & Jennifer Clune, Nancy Cleveland, Mike & Mandy Berry, Mary Alice Bellardini, Bruce & Martha Atkins, Sean Caughey.

The Public Hearing was opened at 7 p.m. with the reading aloud by the Board Secretary of the Public Hearing Notice as published in the *Cortland Standard*. Proof of Publication has been placed on file for the record.

APPEAL #461

TonyaMarie Fuller, Applicant/Reputed Owner - 28 Cayuga Street - TM #66.82-01-29.000 - Add Second Driveway on Same Parcel.

Chair Maxson recognized the applicant who explained to those present that she wanted to add a second driveway to the subject parcel for the use of her tenants. Currently, the tenants share the existing single driveway, as shown on the photos accompanying the application. The proposed new driveway would be blocked for the adjacent property by a fence and bushes, she stated. Having the second driveway would also "prevent them from parking in front of the house all of the time." Ms. Fuller also commented that there are currently "numerous" parcels on the street which have two driveways, even though they are one-family homes.

Member Amber Eckard reported that in her review of what was being requested, and because Cayuga Street is a NYS highway (Route 90) the applicant should contact the NYS Department of Transportation to obtain a permit to add a driveway to their property. She also commented that, since the Village Attorney was not present at this meeting, the ZBA could table the appeal until next month's meeting, or Ms. Fuller could proceed with her application for the permit from the State. Ms. Fuller stated that she understood that State approval was not needed unless it was a certain amount of feet from the intersection, but she was not sure. CEO Craig Umbehauer stated he thought it was a distance of 500 feet from the intersection.

Board members then reviewed the drawing/photos with the applicant. The proposed driveway would go "up to the rock pile." Chair Maxson said he wished the applicant had gone to the State first to obtain the permit, if required; he would like to see the paperwork. He was concerned there would have to be a curb cut and, in addition, there is a pole/tree there which would hinder visibility when "backing out." CEO Umbehauer added that the proposed driveway cannot be any wider than the curb cut. Ms. Fuller then pointed out other homes with two driveways already, and the pole doesn't impact her visibility of the street.

Chair Maxson then asked if there was anyone present who wished to speak on this appeal; there were, as follows:

Bruce Atkins - 26 Cayuga Street - read aloud the following prepared statement:

26 Cayuga Street
Homer, NY 13077
June 27, 2016

To: Members of the Village of Homer Zoning Board of Appeals

We would like to express our concern about the request to add a driveway to the property on 28 Cayuga Street owned by Tonyamarie Fuller.

Ms. Fuller notes on her appeal that she lacks parking space for her tenants. There are alternatives to installing a black top parking space contiguous to the sidewalk, either by making a turnaround at the rear of her existing driveway or providing a space on the right side of the garage. Furthermore, a driveway for two cars as she plans it, between a telephone pole and a huge tree, is an accident waiting to happen. Cars backing out in these circumstances also present a danger to pedestrians, especially to children who walk and bicycle on the sidewalk daily. Also, since Cayuga Street is State Route 90, it seems that Ms. Fuller would need to get permission from the State in order to make a curb cut. Fuller also might consider using the two car garage at the end of the driveway. In addition, in the past when the upstairs apartment was used at 28 Cayuga St., the situation did not require an additional parking space.

Ms. Fuller notes that a curb cut already exists; this is not true. Rather, an erosion of the existing curb has occurred over the years. Nor should the fact that other homes in the neighborhood have two driveways mean that another eyesore in the historic district be added. We need to discover how and under what circumstances these were allowed to be installed.

This proposed parking spot is very large—24' x 16'—and will indeed be an eyesore in our historic district.

Ms. Fuller did not respond to questions 5 and 6 on the Assessment Form which we need to address. We believe that the answer to 8 (a) should be yes. The answer to 12 (a) should be yes to a structure that is listed on the National Register of Historic Places.

Thank you for your attention to our concerns.

Sincerely,

Bruce and Martha Atkins

Mary Alice Bellardini – 30 North Main Street – It's in an Historic District which is the economic driver of our community. Need good Code enforcement. Many efforts are being made to keep the Village attractive. Cars could be back behind the house. Never seen so many curb cuts that don't go anywhere. It's important to have single driveways. There's plenty of room in the back that would solve the problem. Less convenient, but more attractive. Objects to granting the variance.

Mandy Berry – 23 Cayuga Street – read aloud the following prepared statement:

To: Tim Maxson
Adam Clifford
Amber Eckard
Tammy Goddard
Andrew Hoffman

Dear Board Members,

We would like to voice our concerns regarding the requested variance from Tonya Marie Fuller residing at 28 Cayuga Street. Her request is to place a second driveway on the property. If you review her drawing you will see the proposed parking area (16 x 24') will consume most of the front and side yard. The access to the parking area will be between a tree and a power pole. The pictures submitted are quite deceiving. Also on the drawing is a reference to an existing curbcut. Most of Cayuga St. has no curbing. It is doubtful there is a curbcut without the presence of actual curbing.

Cayuga St. is also in the NYS Historic District. Most property owners work very hard to maintain our historical homes, 28 Cayuga St is one of them, built in 1823. Is this how we want to enhance what makes our village so special?

We are concerned about our property values being negatively affected by a poor aesthetic decision. We urge the board to visit the site and decide if this additional driveway and parking area is appropriate for our neighborhood.

We offer a simple solution, if more parking spaces are needed, add them to the rear of the property.

Mandy Berry
Michael Berry
23 Cayuga Street
Homer, NY
749-4041

She concluded by stating that there "should be no more than one driveway per parcel.

Nancy Cleveland - 25 Cayuga Street - Her driveway is directly across from the proposed driveway which proposes a concern.

Mike Berry - 23 Cayuga Street - Would like to see Minutes where other houses with two driveways were approved for that. Has neighbor up the street who has two driveways, and he knows he did not come before this Board to put it in. Were they put in legally?

Martha Atkins - 26 Cayuga Street - Why can't applicant use their garage for parking?

TonyaMarie Fuller, Applicant - Looking ahead. In a few years, her son will need a parking spot too. Tenants pull in behind us.

**With everyone having been heard who wished to be heard,
Chairman Maxson closed the Public Hearing at 7:24 p.m.**

BOARD DISCUSSION/DECISION

Chairman Maxson made a motion to postpone this request for a variance to add a second driveway on the same tax map parcel until 28 July 2016 at 7 p.m. to allow the appellant time to provide the requested information. The motion was seconded by Member Eckard, with the vote recorded as follows:

| | |
|---------------------------|-------------------------------|
| Ayes: Chair Maxson | Nays: None |
| Member Eckard | |
| Member Clifford | Absent: Member Hoffman |
| | Member Goddard |

Motion carried.

This becomes Action #461/12 of 2016.

APPROVAL OF MINUTES – 5 MAY 2016

The Board Secretary advised the members present that the Minutes of 8/25/15, 9/10/15, and 11/24/15 had not been approved, the reason being that there had previously never been those members who attended those meetings who were present at one time. The only Minutes that could be approved at this meeting were those of 5 May 2016 as there were three ZBA members in attendance who also attended that meeting.

Therefore, a motion was made by Member Goddard to approve the ZBA Minutes of 30 October 2014, as submitted. The motion was seconded by Member Eckard, with the vote recorded as follows:

| | |
|---------------------------|-------------------------------|
| Ayes: Chair Maxson | Nays: None |
| Member Eckard | |
| Member Clifford | Absent: Member Hoffman |
| | Member Goddard |

Motion carried.

This becomes Action #13 of 2016.

ADJOURNMENT

At 7:30 PM, on a motion by Member Eckard, seconded by Member Clifford, and with all Board members present voting in favor, the meeting was adjourned.



 Joan E. Fitch, Board Secretary

E-mailed to Village Office (KRP, KU, Mayor),
Bd. Members & CU on 8/16/16.