

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Public Hearing & Meeting Minutes - Thursday, 22 February 2018 - 7 PM
Town Hall Board Room - 31 North Main Street - Homer, NY

Board Members

Tim Maxson, Chairman
Amber Eckard
*Tammy Goddard
Adam Clifford
Noelle Rayman-Metcalf

(*absent)

Others Present

Joan E. Fitch, Board Secretary
Craig Umbehauer, CEO
Dante Armideo, Village Attorney

Applicants/Public Present

Tony Clark, Applicant; Andrea Herzog, James E. McKenna, Jr., Russ Darr.

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 #470

Tony Clark, Applicant (dba Nightwing Healing Arts)/Center for the Arts, Reputed Owner - 72 South Main Street - TM #76.26-01-30.000 - Area Variance - Commercial Sign in R-1 District

Chair Maxson recognized the applicant who explained to those present that he was seeking an area variance to install a new commercial sign in an R-1 zone, as shown on the drawings accompanying the application. The proposed sign would be hung under the two existing signs in the same size and shape. The sign was for "Nightwing Healing Arts." Member Amber Eckard noted that three signs had been approved long ago and, currently, there are only two signs.

Chair Maxson then 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 7:08 p.m.**

BOARD DISCUSSION/DECISION

Member Eckard and Member Adam Clifford both commented that they saw no problem with what was being requested; it was simply replacing one sign with another.

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

1. Would there be an undesirable change in neighborhood character or to nearby property?
Finding: No. All Board members present agreed.
2. Can the benefit be achieved by other means feasible to the applicant?
Finding: No. All Board members present agreed.
3. Is the requested variance substantial?
Finding: No. All Board members present agreed.
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood or district?
Finding: No. All Board members present agreed.

5. Has the alleged difficulty been self-created?

Finding: No. All Board members present agreed.

A motion was then made by Member Clifford to grant the Area Variance for the proposed sign, as requested. The motion was seconded by Member Eckard, with the vote recorded as follows:

Ayes:	Chair Maxson	Nays:	None
	Member Eckard		
	Member Clifford		
	Member Rayman-Metcalf	Absent:	Member Goddard

Motion carried.

This becomes Action #470/4 of 2018.

APPEAL #471

Stephanie Fox, Applicant/David Perfetti, Reputed Owner – 14 South Main Street - TM #66.82-17-30.000 – Use Variance – Proposed Retail Business in an R-2 district

Chair Maxson read aloud a letter from the applicant requesting that her application for a Use Variance be tabled for another month as she did not believe she had all of the information required.

With no further discussion, a motion was made by Member Eckard to table the Public Hearing for a proposed retail business in an R-2 District until next month. The motion was seconded by Member Noelle Rayman-Metcalf, with the vote recorded as follows:

Ayes:	Chair Maxson	Nays:	None
	Member Eckard		
	Member Clifford		
	Member Rayman-Metcalf	Absent:	Member Goddard

Motion carried.

This becomes Action #471/5 of 2018.

The Board Secretary reminded those present that this appeal would need to be readvertised as the public hearing was not held. Village Attorney Dante Armideo agreed. Those present from the public were advised this matter would be heard next month; Chairman Maxson took down the contact information from Mr. McKenna, the spokesman for Homer C.C., F.R.S., as he stated he would be calling/meeting with him.

APPROVAL OF MINUTES

25 January 2018

A motion was made by Member Eckard to approve the ZBA Minutes of 25 January 2018, as submitted. The motion was seconded by Member Clifford, with the vote recorded as follows:

Ayes:	Chairman Maxson	Nays:	None
	Member Eckard		
	Member Clifford	Abstain:	Member Rayman-Metcalf

Motion carried.

This becomes Action #6 of 2018.

OTHER BUSINESS

Clarification of Procedures/General Suggestions/Various Comments

- Member Eckard commented about what is considered a meeting of this Board and that three Board members meet somewhere it's considered having a meeting. Village Attorney Armideo explained what was considered a quorum.
- Chairman Maxson asked CEO Craig Umbehauer why Applicant Stephanie Fox did not receive the County Planning Board's recommendation after it was completed. CEO Umbehauer responded that it was not requested. Chairman Maxson stated that the first two items in the County's recommendations required the action of the applicant; if the applicant did not receive the recommendations, he said, she would not know what is being requested. CEO Umbehauer said it was the applicant's responsibility to obtain the County's report; he has already advised the applicants of the procedures and when County Planning meets. It's up to them to get the information from the Village.
- Chairman Maxson then reviewed the Fox packet. He stated he would like Board members to receive the maps indicating boundary lines that they got previously, along with property owners' names and phone numbers and, in addition, the packets need to be received more than "one day before." Member Eckard commented that she received info for this meeting "last Thursday night." A week before was not enough time. Board Secretary Fitch suggested having a checklist of what was required for a complete application. Also, a cutoff date should be established to receive applications, coordinated with County Planning meetings.
- Applicants complained they did not know when the meetings were; notices were sent to everyone but the applicant. A copy of the Legal Notice should be sent to each applicant. The Board Secretary commented that the problem arrived when experienced employees were replaced with new employees who had no opportunity to be trained.
- Member Eckard stated she would like her meeting materials mailed to her as she does not check her emails. Board Secretary Fitch, who acts as secretary to six other ZBA/Planning Boards, said that one of the municipalities she works for has mailboxes for board members, and they are responsible for picking up the materials in time to review them before the meeting. Member Eckard stated she works and wouldn't be able to pick materials up at the Village Office because they are closed when she gets out.
- CEO Umbehauer mentioned that David Yaman is concerned about people parking in the bank parking lot who are not customers of the businesses on that property. Discussion followed.
- Member Clifford advised he was keeping a list of all the suggestions, including a notice from the Village of "no meeting."
- County Planning Department reports were discussed, along with the resultant resolution from the County Planning Board. Board members should be copied with each.
- Training is available on March 13th; info will be sent to Board members.

ADJOURNMENT

At 7:55 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

Joan E. Fitch, Board Secretary

E-mailed 3/20/18 to Mayor, KC, Vill. Atty.,
Co. Planning, CEO & ZBA Members.