

VILLAGE OF HOMER ZONING BOARD OF APPEALS

Public Hearing & Meeting Minutes - Thursday, 28 June 2018 - 6:30 PM
Town Hall Senior Center - 31 North Main Street - Homer, Cortland County, NY

Board Members

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

(*absent)

Others Present

Joan E. Fitch, Board Secretary
Craig Umbehauer, CEO
Patrick Clune, Village Trustee

Applicants/Public Present

David & Jamie Yaman, Applicants; Renee Neiderman, Applicant; James & Thomas Harris, Applicants; Rachel Wright, Applicant; Harry & Mary Alice Bellardini, Kevin Williams, Martin Sweeney, John Miller, Rick & Ashley Neiderman, David Anderson, Stephanie Fox, Russ Darr.

The Public Hearing was opened at 6:30 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 #472

Jamie & David Yaman, Applicants/DeWayne Block Building, LLC, Reputed Owner - 23 South Main Street - TM #66.83-01-39.000 - Area Variance - Parking Spaces Less Than Allowed

Acting Chair Adam Clifford recognized Jamie Yaman who explained that they were seeking an area variance to allow less parking spaces than allowed for their proposed new building which was being constructed to replace the previous building which was destroyed by fire. The proposed building will have one or two commercial spaces on the first floor, with six apartments on the second and third floors. Two spots per unit are required. Mr. Yaman stated that the Village Mayor has agreed to commit six parking spots to the applicants. The tenants, he stated, would be advised of the number of spaces available. Nineteen spaces are required for the tenants (12) and the businesses (7).

Acting Chair Clifford asked if there was anyone present from the public who wished to speak on this matter; there were, as follows:

Kevin Williams - 7 South Main Street (Village Market) - Owns the Village Market and Laundromat. Parking is a "huge" issue. There are two lots in rear in which the workers park during the day. There will be a "severe parking problem." Very much in favor of this project, but Village or planning people need to come up with a master plan to provide a long-term solution. Ingress/egress of delivery trucks needs to be available. There's a ton of easements and sights-of-way that have accumulated over the years; this should be looked at for the future.

Mary Alice Bellardini - 30 No. Main Street - Years ago considered having employees parking on River Street and allowing pedestrian bridges to be used for access. Village should consider using parking spaces across the bridge.

John Miller - 19 South Main Street - Supports this development. Parking before fire there was a fence. Now it's bumper to bumper with one car having to move to allow the second one out. Like tenants to use rear spaces to keep Main Street spaces open for retail customers. Open up some spaces in rear for overnight parking. Development is great for the Village; allow overnight parking in that lot (behind Homer Men & Boys).

Patrick Clune, Trustee - Village Board aware of parking issue and will be addressing this.

Jamie Yaman, Applicant – Wants to start construction 1 August in order to use existing foundation. Hopes to have open by February 1st. Trustee Clune commented that the Village Board will make parking a priority.

**With everyone having been heard who wished to be heard,
Acting Chair Clifford closed the Public Hearing at 6:54 p.m.**

BOARD DISCUSSION/DECISION

At the close of the Board’s discussion, and as requested by Acting Chairman Clifford, the Board Secretary read aloud those questions contained in Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II.

A motion was then made by Member Eckard that, based on the information provided and analysis of the SEQR concerning this appeal for less parking spaces than allowed, the Village of Homer Planning Board has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #472/9 of 2018.

Member Eckard asked if there was parking on River Street that could be used, and Acting Chairman Clifford responded he did not know.

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: Yes. 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 (Acting Chairman Clifford). Yes (Members Eckard and Rayman-Metcalf).

A motion was then made by Acting Chairman Clifford to grant the Area Variance for less parking spaces than allowed, as requested. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #472/10 of 2018.

APPEAL #473

Renee Neiderman, Applicant/Reputed Owner – 1-3 South Main Street - TM #66.83-01-01.000 – Area Variance – Parking Spaces Less Than Allowed

Acting Chair Adam Clifford recognized the applicant who explained to those present that she was seeking an area variance to allow less parking spaces than allowed at this location. The applicant explained that she would like to renovate the presently vacant second and third floors of this commercial building into a total of six residential units, three on each floor. There would be no changes to the existing building footprint or the exterior of the building.

She owns the parking lot “out back” which could accommodate 12. In addition, she owns the David Harum building which has its own parking. Customers/employees occupy these spaces during the day, and the tenants occupy the spaces overnight. Never had a problem and is not an issue. Parking space calculations indicate a total of 26 spaces (14 for first-floor retail use and 12 spaces for the proposed residential use) would be required; the site can only accommodate 11 parking spaces, thereby requiring an area variance for spaces less than allowed.

Acting Chair Clifford asked if there was anyone present from the public who wished to speak on this matter; there was, as follows:

Kevin Williams – 7 South Main Street (Village Market) – Reiterated his comments as contained in the above Appeal #472: Owns the Village Market and Laundromat. Parking is a “huge” issue. There are two lots in rear in which the workers park during the day. There will be a “severe parking problem.” Very much in favor of this project, but Village or planning people need to come up with a master plan to provide a long-term solution. Ingress/egress of delivery trucks needs to be available. There’s a ton of easements and rights-of-way that have accumulated over the years; this should be looked at for the future.

**With everyone having been heard who wished to be heard,
Acting Chair Clifford closed the Public Hearing at 7:12 p.m.**

BOARD DISCUSSION/DECISION

At the close of the Board’s discussion about parking spaces available v. those needed, and as requested by Acting Chairman Clifford, the Board Secretary read aloud those questions contained in Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II.

A motion was then made by Member Eckard that, based on the information provided and analysis of the SEQR concerning this appeal for less parking spaces than allowed, the Village of Homer Planning Board has determined that the proposed action will not produce any significant

adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #473/11 of 2018.

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: Yes. 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: Yes. All Board members present agreed.

A motion was then made by Member Eckard to grant the Area Variance for less parking spaces than allowed, as requested. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #473/12 of 2018.

APPEAL #474

James & Thomas Harris, Applicants/Reputed Owners - 44 James Street - TM #66.81-02-48.000 - Use Variance - Zoning Change

Acting Chair Adam Clifford recognized James Harris and advised him that, in talking with the Village Attorney and reviewing the Industrial Zone verbiage in the Code, it has been determined that the proposed use of the subject property is an allowed use and would not require a use variance.

A motion was then made by Member Eckard that it is the Village of Homer Zoning Board of Appeals' interpretation of the Code that a Use Variance is not required for a proposed change of zone from Industrial to Commercial. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #474/13 of 2018.

APPEAL #475

Rachel Wright, Applicant/Reputed Owner - 18 Stanford Drive - TM #66.41-01-12.000 - Area Variance - Proposed Shed Closer to Property Line Than Allowed

Acting Chair Adam Clifford recognized the applicant who explained to those present that she was seeking an area variance to relocate a shed closer (within 6.5 ft.) to the property line than allowed, as shown on the annotated survey maps accompanying the application; 10 ft. is the required setback.

The Board acknowledged receipt of a 6/12/18 letter from Nickolas J. Bucci, a neighbor, stating that he has no objection to her request.

Acting Chair Clifford asked if there was anyone present from the public who wished to speak on this matter; there was no one.

**With everyone having been heard who wished to be heard,
Acting Chair Clifford closed the Public Hearing at 7:22 p.m.**

BOARD DISCUSSION/DECISION

At the close of the Board's discussion, and as requested by Acting Chairman Clifford, the Board Secretary read aloud those questions contained in Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II.

A motion was then made by Member Rayman-Metcalf that, based on the information provided and analysis of the SEQR concerning this appeal for less parking spaces than allowed, the Village of Homer Planning Board has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Eckard, with the vote recorded as follows:

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

Motion carried.

This becomes Action #475/14 of 2018.

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 (Acting Chair Clifford). Yes (Members Eckard & Rayman-Metcalf)

3. Is the requested variance substantial?

Finding: Yes (Clifford). No (Eckard & Rayman-Metcalf).

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: Yes. All Board members present agreed.

A motion was then made by Member Eckard to grant the Area Variance for a shed closer to the property line than allowed, as requested. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #475/15 of 2018.

APPROVAL OF MINUTES - 16 April 2018

A motion was made by Member Eckard to approve the ZBA Minutes of 16 April 2018, as submitted. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

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

Motion carried.

This becomes Action #16 of 2018.

ADJOURNMENT

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



 Joan E. Fitch, Board Secretary

E-mailed 7/26/18 to Mayor, KC, Vill. Atty.,
Co. Planning, CEO & ZBA Members.