

**VILLAGE OF HOMER ZONING BOARD OF APPEALS**  
**Public Hearings & Meeting Minutes - Thursday, 30 November 2017 - 7 PM**  
**Town Hall Board Room - 31 North 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  
Dante Armideo, Village Attorney

**Applicants/Public Present**

Mary Jo Helms, Applicant; Christopher Sweeney, Applicant; Angela Griffen.

The Public Hearings were 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 #467**

**Mary Jo Helms, Applicant/Mary Jo Helms & Angela Griffen, Reputed Owners - 53 Cortland Street - TM #76.34-01-24.000 - Area Variance - New Barn**

Chair Maxson recognized the applicant who explained to those present that she was seeking an area variance to replace a barn on her property which was destroyed this past August by a tree which fell on it, necessitating the removal of the barn (unsafe). She wished to construct its replacement (24 feet by 24 feet) in the same footprint as the barn that was there for 100± years, which would be about five feet from the property line, and ten feet is what is required. The applicant stated she had talked to the neighboring property owner who had no objection.

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 7:12 p.m.**

**BOARD DISCUSSION/DECISION**

Chairman Maxson acknowledged receipt of a 19 October 2017 memo from the Cortland County Planning Department stating that the applicant's request was technically adequate and had no State- or County-wide impact; therefore, the application was being returned to the Village for local determination.

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

1. Can the benefit be achieved by other means feasible to the applicant?  
Finding: Yes. The proposed building could be moved. All Board members present agreed.
2. Would there be an undesirable change in neighborhood character or to nearby property?  
Finding: No.
3. Is the requested variance substantial?  
Finding: No. (Member Clifford voted yes; Chair Maxson & Member Eckard voted no.)
4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

Finding: No. All Board members present agreed.

5. Has the alleged difficulty been self-created?

Finding: No. The barn was destroyed by a tree falling on it. All Board members present agreed.

A motion was then made by Member Andrew Hoffman to grant the Area Variance for a proposed barn/garage replacement closer to the property line than allowed, as requested. The motion was seconded by Member Amber Eckard, with the vote recorded as follows:

<b>Ayes:</b> Chair Maxson	<b>Nays:</b> None
Member Eckard	
Member Clifford	
	<b>Absent:</b> Member Hoffman
	Member Goddard

Motion carried.

**This becomes Action #467/23 of 2017.**

**APPEAL #468**

**Christopher Sweeney, Applicant/Rerob, LLC, Reputed Owner - 30 South West Street (NYS Route 281) - TM #68.80-01-26.000 - Area Variance for Proposed Signage**

Chair Maxson recognized the applicant who explained that this fueling station was changing its signage as shown on the materials accompanying the application. They were proposing a new building sign and a new ID sign. All setbacks would be met and NYSDOT regulations followed.

CEO Craig Umbehauer commented that with the details of the signage provided at this meeting, and as described by Mr. Sweeney, as the square footage of the signage was actually less than allowed.

**Chairman Maxson closed the Public Hearing at 7:30 p.m.**

**No Action Required.**

**APPROVAL OF MINUTES**

**29 September 2017**

A motion was made by Member Goddard to approve the ZBA Minutes of 25 August 2015, as submitted. The motion was seconded by Member Hoffman, with the vote recorded as follows:

<b>Ayes:</b> Chairman Maxson	<b>Nays:</b> None
Member Eckard	
Member Clifford	
	<b>Absent:</b> Member Goddard
	Member Hoffman

Motion carried.

**This becomes Action #24 of 2017.**

**ADJOURNMENT**

At 7:45 PM, on a motion by Member Clifford, seconded by Member Eckard, and with all Board members present voting in favor, the meeting was adjourned.

  
Joan E. Fitch, Board Secretary

E-mailed 12/21/17 to Mayor, KC, Vill. Atty.,  
Co. Planning, CEO & ZBA Members.