

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Public Hearing & Meeting Minutes - Thursday, 30 January 2020 – 6:30 PM
Town Hall Senior Center – 31 North Main Street – Homer, Cortland County, NY

Board Members

(*absent)

Others Present

*Tim Maxson, Chairman
Amber Eckard
Adam Clifford, Acting Chairman
Noelle Rayman-Metcalf
Kim Hubbard

Joan E. Fitch, Board Secretary
Dante Armideo, Village Attorney

Applicants/Public Present

Fabio Santalucia, Applicant; Tom Kiernan, Applicant; Suzanne Austin, Applicant; Mike Ryan, Bruce & Sandy Adams, Mikala Clifford, Rick & Beth Ellerson (sp?).

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 #481

Fabio Santalucia, Applicant/Reputed Owner – 56 Cortland Street - TM #76.34-01-03.000 – Replace Shed – Closer to Property Line Than Allowed

Acting Chairman Adam Clifford recognized the applicant who explained that he was seeking an Area Variance to replace a shed at the rear of his home which would have a 45 ft. setback from the side yard property line; the required setback is 50 feet.

Member Noelle Rayman-Metcalf asked the applicant if he would consider another location on the subject property; there was no response. After a brief discussion and review of the application and its attachments, Acting Chairman Clifford asked if there was anyone present who wished to comment on this appeal; there was no one.

**With everyone having been heard who wished to be heard,
Acting Chair Clifford closed the Public Hearing at 6:38 p.m.**

BOARD DISCUSSION/DECISION

Village Attorney Dante Armideo advised the Board that this appeal was considered a Type II Action under SEQRA so no completion of the Short Environmental Assessment Form was required.

The Board then proceeded with the required questions (balancing test), with the responses being given by the ZBA members, as follows:

1. Will the proposed action produce an undesirable change in the character of the neighborhood, or a detriment to nearby properties be created?

Finding: No. All agreed.

2. Can the applicant achieve his goals via a reasonable alternative which does not involve the necessity of an area variance?

Finding: No – Member Amber Eckard; Yes – Acting Chair Clifford, Members Hubbard and Rayman-Metcalf.

3. Is the variance substantial?

Finding: Yes. All agreed.

- 4. Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?

Finding: No. All agreed.

- 5. Has there been any self-created difficulty?

Finding: No. All agreed.

With no further discussion, a **motion was made by Member Kim Hubbard to GRANT an Area Variance for a side yard setback less than allowed, as requested. The motion was seconded by Member Amber Eckard, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #481/1 of 2020.

APPEAL #482

Suzanne Austin, Applicant/Reputed Owner – 4 King Street - TM #76.65-01-28.000 – Area Variance for Additional Parking Space

Acting Chairman Adam Clifford recognized the applicant who explained that she had received a violation letter from Village Code Enforcement Officer Kevin McMahon stating she had installed a second driveway/parking spot on her property, and only one driveway is permitted. Ms. Austin explained that the subject property contains a single-family dwelling and she purchased it as such, and the second parking spot, which is next to her front entrance (as shown), has been there over 34 years, the length of time she has lived there. The main driveway is on the other side of the house, quite some distance from her front entrance, which requires a good distance to walk just to bring in groceries, etc., and, in addition, the last time the road was paved, the runoff ponds in the main driveway, as shown in the photos she displayed to the Board.

Ms. Austin displayed and described all of the photos she had taken of the subject property, and gave a lengthy chronology of her dealing with the Village/Code Office regarding this problem. She was very unhappy with the response she received in trying to remedy the situation. She stated she was never notified of ZBA meetings, Not being able to park where there’s always been a parking spot is an undue hardship for her. There are no curbs or sidewalks in the area and it’s dangerous for her to walk across the lawn from the main driveway to her side of the front porch on her side of the house.

Ms. Austin also showed a photo of cars parked on her street that are in violation, but she felt she was being singled out.

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

Sandy & Bruce Adams – 5 King Street – Lives across the street from the appellant and has no objection to the parking spot as is. The space has always been there; after over 30 years it seems unfair to ask that it be removed. They, too, feel Ms. Austin is being singled out. Much safer for her to parking there. Asked Board to grant Ms. Austin the variance.

Acting Chair Clifford stated that three letters had been received and placed on file objecting to granting of a variance. Two letters, one dated 3 December 2019, and one dated 30 January 2020, were both

from Howard and Tammy Reed of 8 King Street. A third letter, dated 29 January 2020, was from Charles Jermy, Jr., of 7 King Street. A letter dated 7 December 2019, in support of granting the requested variance, was received from the Adams family at 5 King Street. All of the aforementioned letters have been placed on file for the record.

**With everyone having been heard who wished to be heard,
Acting Chair Clifford closed the Public Hearing at 7:07 p.m.**

BOARD DISCUSSION/DECISION

Member Hubbard asked about previous CEO experience with this same problem. Some remembered a similar problem under a previous CEO and thought maybe they could contact him. The appellant commented that she had received a letter from him (CEO Bruce Weber) stating that she was “grandfathered in” and not in violation; however, she no longer had the letter. Acting Chair Clifford read aloud the relative section of the Code which pertained to only one driveway allowed per parcel.

After a lengthy discussion, a **motion was made by Member Hubbard to postpone the area variance request until the next meeting of the ZBA to allow Board members time for additional research. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:**

**Ayes: Acting Chairman Clifford
Member Eckard
Member Rayman-Metcalf
Member Hubbard** **Nays: None**
Absent: Chairman Maxson

Motion carried.

This becomes Action #482/2 of 2020.

APPEAL #483

**Thomas Kiernan, Applicant/Reputed Owner – 43 Clinton Street - TM #66.65-01-16.000 –
Replace Garage Closer to Property Line Than Allowed**

Acting Chairman Adam Clifford recognized the applicant who explained that he was seeking an Area Variance to replace an old 12 ft, by 19 ft, garage and put up a new, larger (24 ft, by 32 ft,) one as shown on the map accompanying his application. The setback would be the same as the previous garage, two feet, but is closer to the property line than allowed.

Acting Chairman Clifford asked if there was anyone present who wished to comment on this appeal; there was no one.

**With everyone having been heard who wished to be heard,
Acting Chair Clifford closed the Public Hearing at 7:28 p.m.**

BOARD DISCUSSION/DECISION

Village Attorney Dante Armideo advised the Board that this appeal was considered a Type II Action under SEQRA so no completion of the Short Environmental Assessment Form was required.

The Board then proceeded with the required questions (balancing test), with the responses being given by the ZBA members, as follows:

- 1. Will the proposed action produce an undesirable change in the character of the neighborhood, or a detriment to nearby properties be created?

Finding: No. All agreed.

- 2. Can the applicant achieve his goals via a reasonable alternative which does not involve the necessity of an area variance?
Finding: Yes. All agreed
- 3. Is the variance substantial?
Finding: Yes. All agreed.
- 4. Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?
Finding: No. All agreed.
- 5. Has there been any self-created difficulty?
Finding: No – Members Eckard and Hubbard; Yes – Acting Chair Clifford and Member Rayman-Metcalf.

With no further discussion, a **motion was made by Member Kim Hubbard to grant an Area Variance for a side yard setback less than allowed, as requested. The motion was seconded by Member Eckard, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #483/3 of 2020.

OTHER DISCUSSION

Attorney Armideo and Board members discussed options pertaining to the area variance request of Suzanne Austin: any record of reported letter to applicant from CEO Weber? Any discussion about this with Village Board. Investigate using internet and maps?

APPROVAL OF MINUTES – 30 OCTOBER 2019

A motion was made by Member Eckard to approve the Minutes of the 30 October 2019 meeting of the Zoning Board of Appeals, as submitted. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:

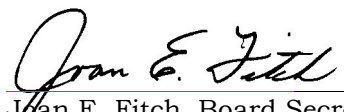
Ayes: Acting Chairman Clifford	Nays: None
Member Eckard	
Member Rayman-Metcalf	Absent: Chairman Maxson
	Abstain: Member Hubbard

Motion carried.

This becomes Action #4 of 2020.

ADJOURNMENT

At 7:45 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 1/31/20 to Mayor, KC, Vill. Atty.,
PC, Co. Planning, CEO & ZBA Members.
Approved as corrected on 2/27/20.