

VILLAGE OF HOMER PLANNING BOARD
Minutes of Regular Meeting – Tuesday, 9 March 2020 – 6:30 PM
Town Hall – North Main Street – Homer, NY

Board Members (*absent)

Mahlon Irish, Jr., Chairman
Michael Pollak
Donald Ferris
Ashley Neiderman
Richard Hemmings

Others Present Via Audio/Video

Dante Armideo, Village Attorney
Joan E. Fitch, Board Secretary
Kevin McMahon, CEO
Kristen Case, Village Deputy Clerk
Patrick Clune, Deputy Mayor

Applicants & Public Present Via Zoom

Anna & Ehren Heyer for F. & P. Heyer Holdings, LLC, Applicant; Chris Brunelle for Sonbyrne Sales, Inc., Applicant; Amber Oursler, Applicant; Shaun P. Sweeney, Debra Sanford, Jessica VanDee.

REGULAR MEETING

The Regular Meeting of the Village of Homer Planning Board was called to order at 6:30 p.m. by Chairman Mahlon Irish, Jr.

APPROVAL OF MINUTES – 10 FEBRUARY 2020

A motion was made by Member Richard Hemmings to approve the 10 February 2020 Minutes of this Board, as submitted. The motion was seconded by Member Pollak, with the votes recorded as follows:

**Ayes: Member Pollak
Member Neiderman
Member Hemmings**

Nays: None

**Abstain: Chairman Irish
Member Ferris**

Motion carried.

This becomes Action #9-1 of 2020.

NEW BUSINESS

F & P Heyer Holdings, LLC, Applicant/Cortlandville Grange No. 46, Reputed Owner – 84 Cortland Street – TM #76.34-01-13.200 – Site Plan for Proposed Medical Office

Chairman Irish recognized Ehren and Anna Heyer who were seeking Site Plan approval to establish a physical therapy business in the subject building. The entire building, which they are purchasing, would be used for their business. Ehren explained that there should be no major change in traffic on the site. A narrative accompanied the Site Plan which explained proposed hours, traffic, and signage. CEO Kevin McMahon advised that a permit would be needed for the signage. Shaun Sweeney commented that the Grange would be moving to the State Grange Headquarters in Cortland.

Member Don Ferris asked if this was an allowed use, and Village Attorney Dante Armideo responded that it was. Attorney Armideo also advised that the requested approval was considered a Type II Action under SEQRA so no environmental assessment was required.

With no further discussion, a motion was made by Member Mike Pollak to approve the Site Plan for the proposed medical offices, as requested. The motion was seconded by Member Ashley Neiderman, with the vote recorded as follows:

**Ayes: Chairman Irish
Member Pollak
Member Ferris
Member Neiderman
Member Hemmings**

Nays: None

Motion carried.

This becomes Action #9-2 of 2020.

OLD BUSINESS

Amber Oursler, Applicant/Debra Sanford, Reputed Owner – 10 Franklin Street – TM #66.65-01-25.000 – Home Occupation in R-1 District - Violation

(Note: Reference is made to the 10 February 2019 meeting Minutes of this Board for previous details.)

It is also noted that paperwork was distributed by the applicant to Board members at the very beginning of this (3/9/20) meeting.

CEO McMahon gave the history of this Home Occupation, manufacturing of and sales of essential oils. He stated that the applicant is now selling items from other vendors and hosting classes as shown on Facebook. The neighbors have complained of excessive parking. This Board had previously approved the manufacture/sale of essential oils only; no permission was given to sell other vendors’ merchandise, nor have classes, etc.

Ms. Oursler stated she was looking to relocate her business, hopefully by May 1st. The current application reads: Change of Use – to occupy or use existing structure for home occupation for temporary use of business sales and pick up.” Under Description, it reads “Sale of essential oils and homemade products (see attached).” The attached list contained many types of merchandise to be sold onsite.

Jessica VanDee commented that there had been a business at this location for several years. Debra Stanford advised that she was not the owner of the property; it is in an Estate and she is the Executrix of the Will. The particulars of the Code were reviewed as it pertains to “immediate family.” Member Neiderman commented on the difference between a store/home occupation in a Residential District v. a store in a Business District and what can be sold in each.

Member Pollak thought that the Board should try to find some sort of resolution to the problem. Attorney Armideo stated that she could apply to the Zoning Board of Appeals for a variance to sell essential oils and homemade products. The Board discussed other options and procedures with Attorney Armideo. CEO McMahon explained that the owner was under a Property Compliance Order; Attorney Armideo advised that this Board is not able to give permission for applicant to operate out of compliance and she would have to operate in compliance.

Member Ferris stated that there was nothing other than to deny this request as it is a Home Occupation violation. Then it would be up to the applicant to decide what they want to do, operate in violation with possible prosecution, or apply for a variance, etc. The original approval would not have been granted, he said, had the Board known there would be merchandise sold from other vendors. Chairman Irish agreed that denial would be the best thing to do, then apply for a variance. However, the applicant is able to continue to operate as a Home Occupation, but in conformance to the Code.

neighbors would like with regard to fencing and landscaping. No lighting will spill onto the road or neighboring properties. Proposed signage was reviewed and will be in compliance.

Mr. Brunelle reported that percolation tests were scheduled to be done on 10 March 2020, and also that a SPDES Permit will be required. He then explained the technology and safety procedures utilized with regard to the fuel tanks, which included 21 sensors.

Village Attorney Armideo went over the SEQRA questions with Mr. Brunelle. Mr. Brunelle also stated he had heard from NYSHPO who advised him in a letter that “the project, as described, will have no adverse impact on historical resources.”

Attorney Armideo stated that County Planning will consider the proposed zoning change and review the Site Plan, and this Board will eventually hold a public hearing.

At the conclusion of the discussion, **a motion was made by Member Ferris to send the Site Plan for the proposed new grocery, deli, and fueling station (Homer Byrne Dairy) to the Cortland County Planning Department for their review. The motion was seconded by Member Neiderman, with the vote recorded as follows:**

Ayes: Chairman Irish Member Pollak Member Ferris Member Neiderman Member Hemmings	Nays: None
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Motion carried.

This becomes Action #12 of 2020.

With no further discussion, **a motion was made by Member Hemmings that the Village of Homer Planning Board will act as Lead Agency under SEQRA for this project. The motion was seconded by Member Pollak, with the vote recorded as follows:**

Ayes: Chairman Irish Member Pollak Member Ferris Member Neiderman Member Hemmings	Nays: None
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Motion carried.

This becomes Action #13 of 2020.

ADJOURNMENT

At 8:10 p.m., on a motion by Member Pollak, seconded by Member Hemmings, and with all members present voting in favor, the meeting was adjourned.



 Joan E. Fitch, Board Secretary

E-mailed 6/8/20 to Mayor, DE, KC,
Vill. Atty., Co. Planning, CEO & PB Members.