

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Public Hearings & Meeting Minutes - Thursday, 27 February 2020 – 6:30 PM
Zoom Meeting – Offices: 31 North Main Street – Homer, Cortland County, NY

Board Members

Tim Maxson, Chairman
Adam Clifford
Noelle Rayman-Metcalf
*Kim Hubbard
Daniel Zech

(*absent)

Others Present

Joan E. Fitch, Board Secretary
Dante Armideo, Village Attorney
Kevin McMahon, Village CEO
Tanya DeGennaro, Host

Applicants/Public Present

Scott Walter, Applicant; Carlos Karam, Applicant; Brian Abbott, Applicant; Paula Jones, Applicant; Howard & Tammy Reed, Pam Abbott.

The Public Hearings were opened at 6:30 p.m. with the reading aloud of the Public Hearing Notice by Host Tanya DeGennaro as published in the *Cortland Standard*. Proof of Publication has been placed on file for the record.

APPEAL #485

Scott Walter, Applicant/Reputed Owner – 12 King Street - TM #66.65-01-31.000 – Area Variance for Second Driveway

Chairman Maxson recognized the applicant who explained that he would like to have a second driveway at this property to accommodate the second apartment in his duplex at this location. Right now, the two tenants use one single driveway, and there is no room for offstreet parking for visitors. Village Code allows only one driveway per parcel.

Chairman Maxson asked if there was anyone who wished to comment on this appeal; there were, as follows:

Tammy Reed – 8 King Street – Stated she sent a letter (dated 3/20/20, a copy of which has been placed on file for the record) which explained her and her husband’s feelings about this proposal. They have lived her for many years and there is “plenty of room in the back of the house, in the back yard next to the garage” to put in as much parking as they need. They could then use the existing driveway for ingress and egress. Objects to unsightly parking on the front lawn.

Mr. Walter objected, and stated it was a “six-point turn to get out of the driveway.” There are no curbs on the street and what he proposes looks exactly like the other driveways and blends right in; it will be a blacktop driveway when it is done. This is more of a safety issue than anything, he commented.

Tammy Reed reiterated that there was enough room in the back of the duplex to create sufficient parking. Also, there were no existing parking spaces out front; a tenant parked there and she advised them it was not allowed. The tenant, she stated, responded that her landlord told her it was okay to park there because he was going to put stones there. It’s an eyesore out front, she said. She thought the idea of creating parking in the rear was “a fabulous idea.”

With this back-and-forth dialogue ongoing, Board Member Adam Clifford interrupted and brought some order to the proceedings. He advised everyone how to proceed with a public hearing, including presentation by applicant, questions from the Board, and comments from the public.

Chairman Maxson asked if there was anyone present from the public 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 7:24 p.m.

BOARD DISCUSSION/DECISION

Chairman Maxson said he had visited the property. No comments had been received from the neighbors who would have said something if they objected.

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: Yes. All agreed.

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

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

Motion carried.

This becomes Action #486/9 of 2020.

APPEAL #487

Brian Abbott, Applicant/Reputed Owner – 80 Copeland Avenue - TM #76.40-01-01.100 – Area Variance for Side Yard Setback Less Than Allowed

Chairman Maxson recognized the applicant who explained that he was seeking an Area Variance to construct a two-car garage on his property closer to the side yard property line than allowed. He plans on removing an existing one-car garage and replacing it with the two-car garage, as shown on the annotated survey map accompanying the application. The new garage will occupy a portion of the footprint of the old garage, but since it is larger, will be closer to the side property line than allowed.

Chairman Maxson asked if there was anyone present from the public 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 7:35 p.m.**

BOARD DISCUSSION/DECISION

Chairman Maxson acknowledged receipt of a 3 August 2020 memo from the Cortland County Planning Department which stated their review of this application indicated that the request was technically adequate and had no State- or County-wide impact; therefore, it was being returned to this Board for local determination. It is also noted that no comments had been received from the neighbors who would have said something if they objected.

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. 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: Yes. All agreed.

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

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

Motion carried.

This becomes Action #487/10 of 2020.

APPEAL #488

Paula Jones, Applicant/Reputed Owner – 15 North West Street - TM #76.40-01-01.100 – Area Variance for Side Yard Setback Less Than Allowed

Chairman Maxson recognized the applicant who explained that she was seeking an Area Variance to construct a two-bedroom addition on the existing home which would be set back from the side

property line a distance of 6 feet instead of the required 15 feet, as shown on the annotated survey map accompanying the application. Due to property constraints, which are shown on the survey map, the only feasible place for the addition is where indicated. The neighbor had no problem with it, she said.

Chairman Maxson asked if there was anyone present from the public 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 7:42 p.m.**

BOARD DISCUSSION/DECISION

Chairman Maxson acknowledged receipt of a 3 August 2020 memo from the Cortland County Planning Department which stated their review of this application indicated that the request was technically adequate and had no State- or County-wide impact; therefore, it was being returned to this Board for local determination. It is also noted that no comments had been received from the neighbors who would have said something if they objected. Chairman Maxson reported he had talked with the closest neighbor who had no problem with the proposed addition.

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. 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: Yes. All agreed.

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

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

Motion carried.

This becomes Action #488/11 of 2020.

APPROVAL OF MINUTES – 27 FEBRUARY 2020

It was noted that those Board members in attendance at the 27 February 2020 meeting were Amber Eckard (since resigned), Adam Clifford, and Kim Hubbard; Chairman Maxson and Member Rayman-Metcalf were absent. Attorney Armideo recommended postponing approval of these Minutes until he could research how this could occur if there was no quorum of those present at that meeting to do so.

With no further discussion, a **motion was then made by Member Clifford to postpone approval of the 27 February 2020 meeting Minutes until the next meeting. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #12 of 2020.

ADJOURNMENT

At 7:56 PM, on a motion by Chairman Maxson, seconded by Member Zech, and with all Board members present voting in favor, the meeting was adjourned.



 Joan E. Fitch, Board Secretary

E-mailed 9/11/20 to Mayor, DE, TD, DK, Vill. Atty.,
Co. Planning, CEO & ZBA Members.