

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Zoom Meeting Minutes - Thursday, 22 October 2020 – 6:30 PM
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
Patrick Clune, Deputy Mayor
Dan Egnor, Village Clerk/Zoom Host

Applicants/Public Present

Scott Walter, Applicant; Howard & Tammy Reed, Don Ferris.

The Public Hearing for this Appeal was held and closed on 27 August 2020.

APPEAL #485 – CONT'D

DISCUSSION/DECISION MEETING

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

(Reference is made to the ZBA Minutes of 27 August 2020 for additional information regarding this Appeal.)

Chairman Maxson opened the meeting at 6:36 p.m. and recognized the applicant who explained that he had changed the length of the driveway, moving it backwards at the request of a neighbor. The first driveway was ten feet wide by 35 feet in length; it is now same width, but 70 feet long.

Member Adam Clifford stated he had visited the subject property and he thought there was more space in the back beside the garage that could be used for parking. He felt there was no ideal solution for the parking problem. The neighbors on all sides were opposed to a second driveway, especially in the front.

A lengthy discussion was held regarding measurements, number of parking spaces needed, ingress and egress, safety issues, setback regarding distance from property line; the Board agreed this was a tough situation. Member Zech asked Village Attorney Dante Armideo about the required setback from the rear property line to the parking area; Attorney Armideo responded that a ten-foot setback was required.

Chairman Maxson reported that he had driven around the Village and second driveways on properties are all over. Member Clifford commented that second driveways do not look good. Chairman Maxson commented that the older zoning no longer meets what is now needed for the homes. Member Noelle Rayman-Metcalf was fine with the change(s) made since the last meeting, but is there a way to move the driveway back farther? Member Clifford commented that a variance could be given to eliminate the ten-foot setback in the rear so parking could be beside the garage, or that there could be a second driveway; that, he felt, would be a better solution.

Chairman Maxson reported that most driveways are in front of the houses, not in the rear. It's just that a second driveway is not allowed in the Code. Member Clifford agreed that the appellant's moving of the driveway was better, but not what he felt was the best solution.

Attorney Armideo advised that this appeal was considered a Type II action under SEQRA so the completion of the Environmental Assessment was not required.

Member Zech thought a second driveway would be a better solution. Member Rayman-Metcalf stated there was no other option than what has been proposed.

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

- 1. Has the applicant demonstrated that they cannot realize a reasonable return and the lack of a return is substantial and has been demonstrated by competent financial evidence?

Finding: Yes. All agreed.

- 2. Has the applicant demonstrated that the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood?

Finding: Yes. All agreed

- 3. Has the applicant demonstrated that the requested use variance, if granted, will not alter the essential character of the neighborhood?

Finding: No. All agreed.

- 4. Has the applicant demonstrated that the alleged hardship has not been self created?

Finding: Yes. All agreed.

With no further discussion, a **motion was made by Chairman Maxson that this appeal is a Type II Action under SEQRA and does not require completion of an Environmental Assessment Form, and the Village of Homer Zoning Board of Appeals grants the use variance for a second driveway that is 10 feet wide by 70 feet long. The motion was seconded by Member Zech, with the vote recorded as follows:**

Ayes: Chairman Maxson	Nays: Member Clifford
Member Rayman-Metcalf	
Member Zech	Absent: Member Hubbard

Motion carried.

This becomes Action #485/13 of 2020.

APPROVAL OF MINUTES – 27 AUGUST 2020

With no discussion, a **motion was made by Member Clifford to approve the 27 August 2020 meeting Minutes, as submitted. 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 #14 of 2020.

SET MEETING DAY/TIME

After a very brief discussion, a motion was made by Chairman Maxson that the Village of Homer Zoning Board of Appeals sets its meetings for the fourth Thursday of each month at 6:30 p.m., as needed. 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 #15 of 2020.

ADJOURNMENT

At 7:15 PM, on a motion by Member Clifford, seconded by Member Zech, and with all Board members present voting in favor, the meeting was adjourned.



 Joan E. Fitch, Board Secretary

E-mailed 11/06/20 to Mayor, DE, TD, DK, Vill. Atty.,
Co. Planning, CEO & ZBA Members.