

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Zoom Meeting Minutes - Thursday, 28 January 2021 – 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
Patricia Pollak

(*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

Patrick Clune, Applicant; Tim Boice of Cortland Voice.

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 #489

Patrick Clune, Applicant/Patrick & Jennifer Clune, Reputed Owners – 46 North Main Street - TM #66.66-02-16.000 – Fence Height Greater Line Than Allowed

Chairman Tim Maxson recognized the applicant who explained that he was seeking an area variance to allow the placement of a 7-foot fence along the northern boundary of his property, as shown on the annotated map accompanying the application; Village Code allows a maximum fence height of six feet. The height is requested to provide privacy from the bordering apartment building which has an elevated driveway.

The proposed fence, about 106 feet in length would obscure the four-to-five vehicles that park there. The trees that are there are right on the boundary. Mr. Clune advised that he had talked with the owner of both adjoining properties, and they had no objection to what was proposed regarding the fence.

Member Patricia Pollak asked what type of fence would be there, and the applicant responded that it has already been installed and is a solid, slat-type fence with both sides looking exactly the same and that could easily be removed if the requested variance is denied; he was trying to get ahead of the weather. In response to Member Adam Clifford's question, Mr. Clune advised that the fence is set back 80 feet back from the sidewalk. The slats that are presently "sticking up" will be trimmed off in the spring.

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

BOARD DISCUSSION/DECISION

The Board then proceeded with the required questions (balancing test) for an area variance, 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: No. 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.

Village Attorney Dante Armideo advised the Board that the request was a Type II Action under SEQRA so no environmental assessment was required.

It is noted for the record that a memo dated 22 December 2020 had been received from Dan Dineen, Director of Cortland County Planning, stating that the requested variance is technically adequate and had no State- or County-wide impact; therefore, it is being returned to the Village for local determination.

With no further discussion, a **motion was made by Member Clifford to grant the Area Variance to allow height of privacy fence to be seven (7) feet, as requested. The motion was seconded by Member Daniel Zech, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #489/1 of 2021.

APPROVAL OF MINUTES – 22 OCTOBER 2020

A motion was made by Member Clifford to approve the Minutes of the 22 October 2020 meeting of the Zoning Board of Appeals, 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		Member Pollak

Motion carried.

This becomes Action #2 of 2021.

SET MEETING DAY/TIME

After a brief discussion, a motion was made by Member Clifford to set the 2021 meeting date as the fourth Thursday of each month at 5:30 p.m., as needed. 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 Pollak		
	Member Zech		

Motion carried.

This becomes Action #2 of 2021.

OTHER DISCUSSION

- Board member training discussed. Chair Maxson reported he talked with a lady from Albany who will provide info to Treasurer/Deputy Clerk DiGennaro to arrange. Village Clerk Dan Egnor will check with Tanya and get info out to Board members post haste. Deputy Mayor Clune reported email had been received from Tanya and training will be on a calendar basis with four hours required per year.
- Deputy Mayor Clune reported that Village Board voted to pay ZBA members quarterly the sum of \$25 per ZBA meeting, \$50 for the Chair.

ADJOURNMENT

At 6:50 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 2/22/21 to Mayor, DE, TD, DK, Vill. Atty.,
Co. Planning, CEO & ZBA Members.