

**VILLAGE OF HOMER PLANNING BOARD**  
**Minutes of Public Hearing & Regular Meeting Via Zoom**  
**Monday, 22 September 2021 – 6:30 PM**  
**Village Offices: 31 North Main Street – Homer, Cortland County, NY**

**Board Members** (\*absent)

Donald Ferris, Chairman  
\*Michael Pollak  
Ashley Neiderman  
Paula Harrington  
Jessica Schifilliti  
Vacancy, Alternate

**Others Present Via Audio/Video**

Dan Egnor, Village Clerk/Zoom Host  
Joan E. Fitch, Board Secretary  
Tanya DiGennaro, Village Treasurer  
Kevin McMahan, Village CEO  
Dante Armideo, Village Attorney

**Applicants & Public Present Via Zoom**

Timothy Buhl, PE & Vincent Patriarco for Arbor Brooks Flats, LLC, Applicant; Architect Alton Ainslie & Attorney Fran Casullo for DM3, Applicant; Harry Gardner; Vincente Bellardini, Reporter.

**REGULAR MEETING**

**The Regular Meeting was called to order by Chairman Don Ferris at 6:34 p.m. at 6:31 p.m.**

**OLD BUSINESS** - NONE

**NEW BUSINESS**

**Arbor Brooks Flats, LLC, Applicant/Estate of Kenneth DeMunn, Reputed Owner – Dee Street – TM #66.42-02-01.000 – Subdivision of Land**

(Note: This application is to modify a previously approved PUD (April 2020).

Chairman Ferris clarified that no Public Hearing was required for this revision to the original approved Planned Unit Development.

Chairman Ferris recognized Vince Patriarco who stated the applicant was asking for a revision to the original layout of this project, as shown on the map accompanying the application. He stated they would like to go to “zero Lot Line” condos; everything else remains exactly the same. They had some difficulty with the “condominium process” he said. They will now go forward as shown on the revised drawings. Small portions of the land will be deeded to those buying the units.

Chairman Ferris recognized Harry Gardner who asked what this project was called if not a “condo project?” Mr. Patriarco stated it was a traditional duplex project where people would buy the units. Maintenance of the grounds was Mr. Gardner’s concern, and Mr. Patriarco explained it would be up to the owners, but they are exploring a couple of other possibilities. Roads are owned by the project, but they will be discussing dedication of that road to the Village for Village maintenance.

Member Neiderman asked if there would be apartments, and Mr. Patriarco responded no, they are exactly the same as was approved before. Everything will be privately owned.

Price is approximately \$250,000. There is no homeowner’s association at this time.

In response to Chairman Ferris’ question, Engineer Tim Buhl explained that the only thing different in what is being requested is the lot lines are being extended out further so people can have their own gardens, plantings, landscaping, etc. CEO Kevin McMahan asked if there is an issue with

parking sizes; Engineer Buhl affirmed they were the same. Chairman Ferris went back to March 2020 to ascertain what was said. Kevin then asked if there would be deed covenants, and Mr. Patriarco responded there would be.

Member Neiderman asked if the Village would be responsible for water and street lights; Mr. Patriarco stated the entire Village controls the street lighting, and the homeowners would receive water and sewer bills. The developer pays for the installation. Member Neiderman would like the light poles to look appealing.

Village Attorney Dante Armideo reminded the Board to review County Planning’s recommendations for the project, and to complete the Short Environmental Assessment Form.

Chairman Ferris then read aloud the recommendations contained in the County Planning Board’s Resolution No. 21-31.

Chairman Ferris asked the Board Secretary to read aloud Part 2 – Impact Assessment of the Short Environmental Assessment Form as started at their previous meeting. Answers were recorded as follows:

- #1 All members present voted No, or small impact may occur.
- #2 All members present voted No, or small impact may occur.
- #3 All members present voted No, or small impact may occur.
- #4 Not applicable.
- #5 All members present voted No, or small impact may occur.
- #6 All members present voted No, or small impact may occur.
- #7 All members present voted No, or small impact may occur for both a. and b.
- #8 All members present voted No, or small impact may occur.
- #9 All members present voted No, or small impact may occur.
- #10 All members present voted No, or small impact may occur.
- #11 All members present voted No, or small impact may occur.

**A motion was then made by Member Paula Harrington that, based on the information provided and analysis of the SEQR concerning the application for a Major Subdivision to modify a previously approved Planned Unit Development, the Village of Homer Planning Board has determined that the proposed action will not produce any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Neiderman, with the vote recorded as follows:**

<b>Ayes: Chairman Ferris</b>	<b>Nays: None</b>
<b>Member Neiderman</b>	
<b>Member Harrington</b>	<b>Absent: Member Pollak</b>
<b>Member Schifilliti</b>	

**Motion carried.**

**This becomes Action #24 of 2021.**

**A motion was then made by Member Neiderman that the Village of Homer Planning Board approves the revisions to this Major Subdivision, as requested, incorporating Items 1 thru 5 of the Cortland County Planning Board’s Resolution No. 21-31 dated 15 September 2021. The motion was seconded by Member Harrington, with the vote recorded as follows:**

<b>Ayes: Chairman Ferris</b>	<b>Nays: None</b>
<b>Member Neiderman</b>	
<b>Member Harrington</b>	<b>Absent: Member Pollak</b>
<b>Member Schifilliti</b>	

**Motion carried.**

**This becomes Action #25 of 2021.**

**DM3 of Cortland, LLC, Applicant/Reputed Owners – 25 & 27 North Main Street – TM #66.74-01-24.000 – Site Plan Review – Renovation of Existing Commercial Building**

Chairman Ferris recognized Architect Alton Ainslie, representing the applicant who was seeking approval of a Site Plan to renovate the subject commercial building (#25) to convert it into a first-floor restaurant, outdoor dining patio, and second- and third-floor apartments, as shown on the plans accompanying the application. The building at 27 North Main was removed and there would be added an indoor/outdoor dining facility attached to the restaurant (an all-season room he called it). New water service will be installed, as well as electric service. There will be a covered canopy over a handicapped ramp. The large sign will remain on the building.

There will be plantings and “some” parking behind the building, according to the Architect. Chairman Ferris commented that there were only four parking spaces at this location. The architect responded that they plan to relocate the transformer that is there; this will give six parking spaces. On the south side of the building there are ten parking spaces. There are three apartments on the second floor and one on the third floor. He stated there was offstreet parking and ample space on the remainder of the property closer to the river. The restaurant usage, he said, would not be in competition with downtown parking because of the time of day it would be the busiest. The restaurant could accommodate 190 to 195 if totally full, including indoor and outdoor seating. Member Neiderman commented that she thought this was a great idea, but the parking was insufficient. Member Jessica Schifilliti agreed. Architect Ainslie commented that “with the good graces of the Village, there is a parking lot behind the Village building” that could be used when the offices are closed. Chairman Ferris stated that would be up to the Town, not the Village.

Member Paula Harrington was also concerned about the parking. The applicant’s attorney, Fran Casullo, commented that there was a concern about the parking throughout the Business District. Member Harrington’s concerns were use of the restaurant during lunch hour when other businesses are open and need parking spaces; this would hinder all businesses. Chairman Ferris added that there was not enough parking to accommodate 100 patrons even if there were four in a car. The concept, he said, is really great, but the Code does not allow the applicant to consider parking that they do not control. Chairman Ferris said they needed to look at the occupancy of the former funeral home, the building at the back of parking lot with the hair salon and four other businesses there; adding the apartments in would make more demand. County Planning, too, addresses this very concern. Attorney Casullo commented that more parking was added behind 11 North Main; if parking is going to be required onsite, it “becomes almost undoable.”

Chairman Ferris reported that, with regard to the restaurant on the corner of James and Main, patrons are using the Village parking lot, and a lot of them are using the First National Bank of Dryden’s parking lot. High volume and turnover was mentioned for the proposed restaurant; there are also those waiting to “get in.” Attorney Casullo appreciated all the comments, but he didn’t want to see this project denied because there are parking issues. He thought maybe he would ask that this be tabled to further consider the parking issue. Village Clerk Dan Egnor advised that since the Trustees had previously commissioned a parking study which outlined many of these issues, it may be a good thing to table/postpone this matter until the Trustees can weigh in with some of the information from that study.

Village Attorney Dante Armideo advised that the parking requirements in the Central Business District can be waived by the Planning Board. For a restaurant, one spot is required for every 75 SF of area, plus the dwelling units. He also provided some suggestions to the architect such as indicating the actual parking spaces on the drawings. Attorney Casullo stated it’s very difficult to develop anything, given the parking situation here; something needs to be done. “We’re willing to work with the Trustees and try to get a reasonable solution to this issue because we’re not the only ones who have this issue,” he said. The architect added he would “pull together” some parking options. Chairman Ferris concluded the discussion by saying that he understood the Planning Board could waive the parking requirements, but that was an area where the Board needed to “tread lightly.” He would ask the Village officials to look into the parking problems.

At the conclusion of this lengthy discussion, a motion was made by Member Neiderman that the Site Plan Review for the proposed renovation/conversion of the commercial building be postponed with the consent of the applicant until the net regularly scheduled meeting of the Village of Homer Planning Board. The motion was seconded by Member Harrington, with the vote recorded as follows:

<b>Ayes:</b> Chairman Ferris	<b>Nays:</b> None
Member Neiderman	
Member Harrington	<b>Absent:</b> Member Pollak
Member Schifilliti	

Motion carried.

This becomes Action #26 of 2021.

**APPROVAL OF MINUTES** – 14 JUNE & 23 JUNE 2021

A motion was made by Member Harrington to approve the Minutes of the 12 April 2021 Village Planning Board Minutes, as corrected (Member Schifilliti’s name was spelled incorrectly). The motion was seconded by Member Neiderman, with the vote recorded as follows:

<b>Ayes:</b> Chairman Ferris	<b>Nays:</b> None
Member Neiderman	
Member Harrington	<b>Absent:</b> Member Pollak
Member Schifilliti	

Motion carried.

This becomes Action #27 of 2021.

**MEETING DAY/TIME**

Chairman Ferris noted that the Board will hold its next meeting on 27 October 2021 at 6:30 p.m. via Zoom.

**ADJOURNMENT**

At 8:55 p.m., on a motion by Member Schifilliti, seconded by Member Neiderman, and with all members present voting in favor, the meeting was adjourned.

  
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 Joan E. Fitch, Board Secretary

E-mailed 10/27/21 to Mayor, DE, Vill. Atty., Co. Planning, CEO & PB Members.