**VILLAGE OF HOMER ZONING BOARD OF APPEALS**

**Zoom/Virtual Meeting Minutes - Thursday, 24 March 2022 – 6:30 PM Offices: 31 North Main Street – Homer, Cortland County, NY**

**Board Members** (\*absent) **Others Present**

Tim Maxson, Chairman Joan E. Fitch, Board Secretary Adam Clifford Dan Egnor, Village Clerk/Zoom Host \*Noelle Rayman-Metcalf Tanya DiGennaro, Village Treasurer Daniel Zech Kevin McMahon, CEO Patricia Pollak Dante Armideo, Village Attorney Vacant, Alternate

**Applicants/Public Present**

Ted Dobbs for Victory Sign, Applicant; Stephanie & Anthony Baldwin, Applicants; Anthony DePerno, Jan Austin, Brad ?.

**The Public Hearings were opened at 6:30 p.m. by Acting Chairman Adam Clifford (Chairman Maxson arrived thereafter). The Board Secretary read aloud the Public Hearing Notice as published in the *Cortland Standard;* proof of publication has been placed on file for the record.**

| **APPEAL #492** |
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**Victory Sign, Applicant/Family Health Network of CNY, Reputed Owner – 85 South West Street (NYS Route 281) - TM #76.32-01-06.000 – Sign Variance**

Chairman Maxson recognized Ted Dobbs, representing the applicant who was seeking a Use Variance to place a free-standing LED entrance sign as shown on the drawings accompanying the application, similar to the sign at their Route 281 facility in the Town of Cortlandville. CEO Kevin McMahon advised that a variance was needed as a free-standing sign is not allowed in this District (R-1). Discussion followed concerning the creation of the B-3 District (Research & Development) after the sign regulations were in place, adding to the confusion. He also advised there were no LED requirements/restrictions in the current Local Law.

Member Patricia Pollak noted that the application before this Board tonight was not for a variance, but for a Site Plan Review which is under the purview of the Village’s Planning Board; therefore a wrong form was used. Therefore, she thought that an application needed to be made for the Zoning Board of Appeals.

Chairman Maxson stated the matter, he thought, should be postponed for at least 30 days to give time to do additional research.

**Chairman Maxson then closed the Public Hearing at 6:53 p.m.**

DISCUSSION/DECISION

Member Adam Clifford stated he had researched the LED sign on the Village Green (2010-11) and provided this Board with an excerpt from the Minutes (which he read aloud). Back then, he stated, the sign was approved with conditions.

Village Attorney Dante Armideo advised that this matter should be considered by the ZBA. The Code, he stated, is not updated to include LED lighting of signs.

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With no further discussion, a **motion was made by Member Pollak to postpone this application for the proposed sign until the next ZBA meeting in order to obtain further information. 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 Rayman-Metcalf**

**Member Zech**

**Motion carried.**

**This becomes Action #492/1 of 2022.**

| **APPEAL #493** |
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**Stephanie & Anthony Baldwin, Applicants/Reputed Owners – 1 King Street - TM #66.73-01- 06.000 – Area Variance – Parking Camper in Front of Home**

Chairman Maxson recognized the Baldwins who were seeking an Area Variance to park their camper in their driveway, as shown on the map accompanying the application. Stephanie Baldwin apologized as they did not realize it was a violation of the Village Code to do so; they have been parking their camper at this location for 5± years. They camp often during the season, so it is only there when they are not doing so.

Member Pollak noted that the application stated they were requesting a Use Variance. Attorney Armideo stated “this is more akin to a Bulk Application.” CEO McMahon stated it made more sense to put this as an Area Variance; the form was filled out incorrectly.

Chairman Maxson stated because this is a corner lot, the camper is actually on Durkee Avenue. Attorney Armideo advised that when there is a corner lot, when it comes to zoning and setbacks, there “are two front yards and two side yards, and no rear yard.”

Chairman Maxson commented that where the applicants park their car in front of the camper, they are parking on the sidewalk. Mr. Baldwin advised that the sidewalk actually dead-ends on their property. Chairman Maxson stated it was a violation to park on the sidewalk. Mr. Baldwin said that the Village Police had no problem with his parking there.

Chairman Maxson asked if there was anyone present who wished to speak; there was no one. However the Board had received two letters, one from The Reeds, 8 King Street, dated 15 March 2022, “strongly” objecting to granting of the variance. The second letter via email is from The Jermy Family, no address given, dated 21 March 2022, who oppose the granting of the variance. Both letters have been placed on file for the record.

**With everyone heard who wished to be heard,**

**Chairman Maxson closed the Public Hearing at 7:20 p.m.**

DISCUSSION/DECISION

Member Pollak commented that there was a back section of the property that would be “appropriate” to park the camper. Member Clifford thought it would still extend beyond the house. The Board discussed alternatives. Member Zech thought maybe it could be parked in the “L” shaped part of the property (using the map accompanying the application).

Chairman Maxson thought that both letters in opposition to granting of any variance really were complaints about the camper hindering the visibility of traffic at this corner.

Village Attorney Armideo advised that the Balancing Test was not required.

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At the conclusion of an extensive discussion, **a motion was made by Member Pollak to granting of the Area Variance to park the camper in the L-shaped portion of the property bounded by the Jackson property, as shown on the survey map by James J. Denkenberger, PLS, dated 3/26/15. The motion was seconded by Member Zech, with the vote recorded as follows:**

**Ayes: Member Pollak Nays: Chairman Maxson**

**Member Zech Member Clifford**

**Absent: Member Rayman-Metcalf**

**Motion failed.**

**This becomes Action #493/2 of 2022.**

Chairman Maxson advised those present that he thought this matter should be postponed in order to get more information. Can the camper be placed on the applicant’s property at a location that requires no variance?

With no further discussion, a **motion was made by Member Zech to postpone this application for the proposed Area Variance to allow the parking of a camper on the driveway in front of the house until the next ZBA meeting in order to obtain further information regarding rear yard parking. The motion was seconded by Member Clifford, with the vote recorded as follows:**

**Ayes: Chairman Maxson Nays: None**

**Member Clifford**

**Member Pollak Absent: Member Rayman-Metcalf**

**Member Zech**

**Motion carried.**

**This becomes Action #493/3 of 2022.**

**APPROVAL OF MINUTES – 28 OCTOBER 2021**

A **motion was made by Member Clifford to approve the Minutes of the 28 October 2021 meeting of the Zoning Board of Appeals, as submitted. The motion was seconded by Member Zech, with the vote recorded as follows:**

**Ayes: Chairman Maxson Nays: None**

**Member Clifford**

**Member Pollak Absent: Member Rayman-Metcalf**

**Member Zech**

**Motion carried.**

**This becomes Action #4 of 2022.**

**ADJOURNMENT**

At 7:45 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 4/28/21 to Mayor, DE, TD, TJ, Vill. Atty., CEO & ZBA Members.

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