

# VILLAGE OF HOMER ZONING BOARD OF APPEALS

## CORTLAND COUNTY, NEW YORK

31 NORTH MAIN STREET  
HOMER, NY 13077  
(607) 749-3322

TIM MAXSON, CHAIRMAN  
ADAM CLIFFORD  
NOELLE RAYMAN-METCALF  
DANIEL ZECH  
PATRICIA POLLAK

### MEETING NOTICE & AGENDA

**MAY 11 2022 - 6:30 PM - TOWN HALL, 31 NORTH MAIN STREET, HOMER AND ZOOM**

#### **-APPEAL #492:**

Applicant/Property Owner:	Family Health Network
Property Address:	85 South West Street
Tax Map #:	76.32-01-06.000
Zoning District:	B-3
Code Ref.:	Article III: 228-23

Variance Requested: Use variance to allow for new signage on Route 281.

- a. Explanation of request from Applicant/Owner
- b. Questions, if any, from Board Members (no public comments)
- e. Decision Meeting (no public comments)  
(SEQRA, if required, Balancing Test for Appropriate Type of Variance)

#### **-APPEAL #493:**

Applicant/Property Owner:	Stephanie and Anthony Baldwin
Property Address:	1 King Street
Tax Map #:	66.73-01-06.000
Zoning District:	B-3
Code Ref.:	Article III: 70-5 (A&B)

Variance Requested: Variance to allow parking for a tow behind camper on a driveway in front of a house.

- a. Explanation of request from Applicant/Owner
- b. Questions, if any, from Board Members (no public comments)
- e. Decision Meeting (no public comments)  
(SEQRA, if required, Balancing Test for Appropriate Type of Variance)

#### **• APPROVAL OF MARCH 24, 2022 ZBA MEETING MINUTES**

#### **• ADJOURNMENT**

TLD: 04/14/2022

Copy: Mayor, Village Clerk, Village Attorney, Village CEO  
ZBA Members & Secretary

## **NOTICE OF VILLAGE OF HOMER ZONING BOARD OF APPEALS MEETING**

NOTICE IS HEREBY GIVEN that the Village of Homer Zoning Board of Appeals will meet in person at the Town Hall in Homer at 31 North Main Street on April 28, at 6:30 p.m. to consider the following pursuant to the current Village of Homer Code of Ordinances:

**APPEAL #492:**

<b>Applicant/Property Owner:</b>	Family Health Network
<b>Property Address:</b>	85 South West Street
<b>Tax Map #:</b>	76.32-01-06.000
<b>Zoning District:</b>	B-3
<b>Code Ref.:</b>	Article III: 228-23

**Variance Requested:** Zoning Area Variance to allow for new signage on Route 281.

The above application is open to inspection at the Village Offices. We encourage you to email, call (607-749-3322), or mail, all of your communication needs before said ZBA meeting.

**Tanya DiGennaro**  
Village Treasurer



**Cortland County Planning Department**  
60 Central Ave • Cortland, New York 13045-2838  
Telephone: (607) 753-5043

**TRISHA R. JESSET, PE**  
*Director of Planning*  
email: [tjesset@cortland-co.org](mailto:tjesset@cortland-co.org)

### General Municipal Law (GML) 239 Return

**TO:** Village of Homer Zoning Board of Appeals  
**FROM:** Cortland County Planning Department  
**RE:** Victory Sign/Family Health Network - Area Variance

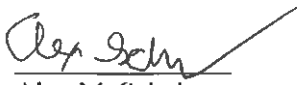
**April 22, 2022**

The staff of the Cortland County Planning Department reviewed the application for an **Area Variance** requested by **Victory Sign** for the purpose of **building a free-standing LED entrance sign**. The property is described as **85 S West Street (NYS Route 281)** (Tax ID 37.18-01-06.000) and is zoned **B-3** (Research and Development) in accordance with the *Code of the Village of Homer*, hereafter the Code. The staff has determined that this request has no State or County-wide impact. Therefore, this request is being returned to the Village of Homer without going before the County Planning Board. If the Village of Homer still feels that a full review by the County Planning Board is necessary, please contact the County Planning Department as soon as possible.

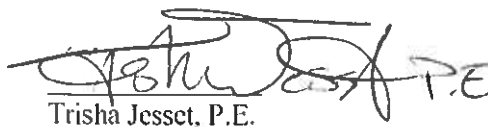
#### ANALYSIS -

The applicant is requesting an area variance to build a free-standing LED entrance sign in a B-3 zoned district. This request was originally referred to the Cortland County Planning Board on February 15, 2022 as a use variance. Since this request was referred as a use variance, the county planning board reviewed it as such at its regular March meeting where it was recommended for approval with conditions. After a meeting of the Village of Homer Zoning Board of Appeals where the use variance request was tabled, the code enforcement officer revised his determination on the requirement of a use variance. In order to explain his reasoning, further explanation is needed as to why a use variance was determined necessary previously. Section 228-21 of the Code outlines sign regulations by zoning district. As this section was codified before the creation of the B-3 (Research and Development) district, section 228-23 of the Code, which states that "...if a new zone is created after the enactment of this Article, signs permitted in such zones are those permitted in R-1 Zones", applies instead. It was determined that, per section 228-21 (A)(2)(b) of the Code, this type of freestanding digital sign was not allowed in R-1 districts. He is now determining that a use variance was not necessary. Instead, he determined that an area variance is required. In order to grant this area variance, the Zoning Board of Appeals must balance the benefit to be realized by the applicant against any potential detriment to the health, safety and general welfare of the neighborhood or community. Due to the proposed LED sign's proximity to NYS Route 281, the applicant will be required to follow the NYS Department of Transportation (NYSDOT) criteria for regulating off-premises Commercial Electronic Variable Message Signs (CEVMS). It is therefore recommended that the sign follow the regulations outlined in the Criteria for Regulating Off-Premises Commercial Electronic Variable Message Signs (CEVMS) in New York State document found on NYSDOT's website. **This return is therefore contingent on the sign following the regulations outlined in the Criteria for Regulating Off-Premises Commercial Electronic Variable Message Signs (CEVMS) in New York State document found on NYSDOT's website.** It is also adamantly recommended that the Village consider reviewing and updating Article III "Signs" of the *Village of Homer Zoning Ordinance*.

Prepared by:

  
Alex M. Schultz  
Planner

Reviewed/revised by:

  
Trisha Jesset, P.E.  
Director of Planning

**GENERAL MUNICIPAL LAW**

**Zoning Referral Form**

**Conditional Permits, Special Permits, Site Plan Reviews & Variances**

Director  
CORTLAND COUNTY PLANNING DEPARTMENT  
37 Church St.  
Cortland, NY 13045-2838  
Telephone: (607) 753-6043  
Fax: (607) 753-5150

GML No. 76.32-01-06.000  
(Tax Map Number)

Date: 4/4/22

Submitting Officer:

KEVIN MCMAHON

Municipality:

VILLAGE OF HOMER

Mailing Address:

31 N MAIN ST  
HOMER, NY 13077

Phone Number:

607-749-3322

Fax Number:

**Type of Referral**

The applicant request the following:

Variance: ☒ Bulk - Article III  
Use - Article \_\_\_\_\_

Section 228-23  
Section \_\_\_\_\_

Special Permit: Article \_\_\_\_\_

Section \_\_\_\_\_

Conditional Permit: Article \_\_\_\_\_

Section \_\_\_\_\_

Site Plan Review: Article III

Section 228-23

Reason(s) for request: INSTALLATION OF A NEW LED SIGN

Is the above action a Type 1 \_\_\_\_\_, Type 2 ☒, or unlisted action under the State Environmental Quality Review Act? Attach required environmental assessment forms for Type I and unlisted actions.

**The following information is required for your application to be complete:**

1. Name of petitioner: VICTORY SIGNS / FAMILY HEALTH NETWORK

Owners name (if different): FAMILY HEALTH NETWORK OF CNY

Date of acquisition: 12/30/2016

Address: 85 SOUTH WEST ST  
State: NY Zip: 13077  
Phone Number: 607-153-3797 Fax Number: \_\_\_\_\_

2. A Site Plan Map showing:

- Scale (1 inch equals 20 feet if site is less than 1 acre or an agreed upon scale for a site larger than 1 acre)
- North Arrow
- Physical Characteristics of Site, existing and proposed (Topography, Water and Vegetation)
- Layout Plan Showing buildings, parking and available utilities
- Surface and Subsurface Drainage Plan, incorporated with Layout Plan
- Location of County or State facility pursuant to Section 239 l, m and n of the General Municipal Law
- Location Map at 1"=1000' scale
- Area Map at 1"=200' or an agreed upon scale
  - zoning classification of subject and adjoining properties
  - surrounding land use within 500 feet of subject property
  - surrounding zoning classifications

3. A certified Tax Map from the Cortland County Office of Real Property and Assessment showing the property lines of the applicant's property.

4. Availability of public utilities and services:

Water X District \_\_\_\_\_ ; Sewer X District \_\_\_\_\_ ;

Fire Protection X District \_\_\_\_\_ ; Refuse Collection X

Special services required: \_\_\_\_\_

5. Does Site Plan conform to municipal master plan? YES If not why? \_\_\_\_\_

6. Does Site Plan conform to county land use plan? YES If not why? \_\_\_\_\_

7. School District: HOMER

8. Projected energy consumption: N/A Type: \_\_\_\_\_

9. Traffic generation (expected vehicle departures and arrivals per 24 hour period) : N/A

NOTE: All maps require the name and address of the N.Y.S. licensed engineer or land surveyor responsible for preparing the seal and map.

Kenneth McMahon C.E.O.  
Signature and Title of Submitting Official

(REVISED: 8/01)

**VILLAGE OF HOMER  
APPLICATION TO ZONING BOARD OF APPEALS**

To the Zoning Board of Appeals,  
Village of Homer, New York

Appeal No. \_\_\_\_\_  
Date \_\_\_\_\_

I (We) Family Health Network  
of 85 S. West St. (Name)  
NY (Street and Number) Homer (Municipality)  
NY (State) 607 763 3797 (Phone Number)

Tax Map Number 76.32-01-06.000

1 I HEREBY APPEAL TO THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE ORDINANCE ADMINISTRATOR AS SHOWN ON THE ATTACHED BUILDING PERMIT APPLICATION DATED \_\_\_\_\_

2 I WANT (select one of the following paragraphs and provide complete information)

a) AN INTERPRETATION of the meaning of Section \_\_\_\_\_ of the Village law, particularly the phrase \_\_\_\_\_

I think it means \_\_\_\_\_

b) A USE VARIANCE\* because (you must show why your case should warrant an exception to the law. Be sure to describe any peculiar topography or shape of your parcel, your inability to use it as the law now would require, why your proposed use would not be harmful to your neighborhood, why the present hardship is not of your own making, and all other reasons you may have) \_\_\_\_\_

c) A SPECIAL USE PERMIT\* as permitted in a \_\_\_\_\_ zone by Section \_\_\_\_\_ of the law.

d) A SPECIAL EXTENSION\* of a non-conforming use. (Give the history of the use of your property for the past few years, if rented, tenants' names, dates of occupancy, the use each tenant made of the property during such times, periods of vacancy or non use, your plans for the use of the property, etc.) \_\_\_\_\_

e) AN AREA VARIANCE\* (you must show why your case should warrant an exception to the law, be sure to describe fully whatever practical difficulties there are which prevent your compliance with existing area regulations) \_\_\_\_\_

☒ f) A VARIANCE FOR SIGN INSTALLATION\* (you must show that the proposed sign will not harm the neighborhood, interfere with safety, traffic, etc.) please see attached response

3 PROFESSIONAL REVIEW

4 FOR THE ABOVE REASONS, I ASK THE ZONING BOARD OF APPEALS TO OVERRULE THE ZONING ENFORCEMENT OFFICER'S DECISION OR INTERPRETATION AND GRANT THE PERMISSION REQUESTED. I UNDERSTAND THAT SUCH PERMISSION, IF GRANTED, MAY CONTAIN OTHER CONDITIONS. I SWEAR TO THE TRUTH OF THE STATEMENTS MADE IN THIS APPLICATION.

Signed Norah M Corn  
(Applicant)

STATE OF NEW YORK §

COUNTY OF Oneida

Sworn to this 9th day of may

Norah M Corn  
(Notary Public)

Norah M Corn  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01CO6072232  
Qualified In Oneida County  
Commission Expires April 1, 2026



8915 Old State Route 13  
Canastota, NY 13032  
Phone: 315-762-0220  
Fax: 315-875-5055

f.) A Variance for Sign Installation

We are requesting permission to allow for a free-standing sign at 85 S West St. Homer, NY 13077 - FHN administration offices. We are requesting the sign to help customers find our location. We are also requesting the need for a digital LED sign. Today more than ever it has become extremely important for us to communicate health and safety with our customers and the public. We currently use this technology at other locations we own. The feedback we received from the public is the reason that LED technology is so important to our business. The size of the sign as well as the look compliments our offices along with the commercial setting of our location. This sign design fits well with other signs in the area.

**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**

Tim Maxson, Chairman  
Adam Clifford  
\*Noelle Rayman-Metcalf  
Daniel Zech  
Patricia Pollak  
Vacant, Alternate

(\*absent)

**Others Present**

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

**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**

**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.



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  
Member Clifford  
Member Pollak  
Member Zech**

**Nays: None**

**Absent: Member Rayman-Metcalf**

**Motion carried.**

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

### **APPEAL #493**

**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.

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  
Member Zech

Nays: Chairman Maxson  
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  
Member Clifford  
Member Pollak  
Member Zech

Nays: None

Absent: Member Rayman-Metcalf

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  
Member Clifford  
Member Pollak  
Member Zech

Nays: None

Absent: Member Rayman-Metcalf

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.