

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Zoom/In-Person Meeting Minutes - Thursday, 28 July 2022 – 6:30 PM
Offices: 31 North Main Street – Homer, Cortland County, NY

Board Members

Adam Clifford, Chairman
Patricia Pollak
*Daniel Zech
Ruth Lewis
Mike Harter, Alternate

(*absent)

Others Present

Joan E. Fitch, Board Secretary
Dan Egnor, Village Clerk/Zoom Host
Tanya DiGennaro, Village Treasurer
Hal McCabe, Mayor
Pat Clune, Deputy Mayor

Applicants/Public Present

Ron Musson for Shane Whitt, Applicant; James Obrist, Applicant.

The Public Hearing was opened at 6:30 p.m. by Chairman Adam Clifford. 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 #495

Shane Witt, Applicant/Reputed Owner - 27 Clinton Street - TM #66.66-03-06.000 - Area Variance for Driveway Closer to Dwelling than Allowed

Chairman Clifford recognized Ron Musson, a neighbor representing the applicant who was selling a three-foot strip of her property to Mr. Musson who resides at 25 Clinton Street, which would further decrease a pre-existing non-conforming lot. By doing so, this would help Mr. Musson straighten his driveway to improve safety exiting and entering the driveway/garage. An area variance was needed for the setback requirement. Reference is made to the map accompanying the application.

The Board acknowledged a letter from Kevin Williams in support of granting the area variance.

Chairman Clifford asked if there was anyone who wished to speak regarding this appeal; there was no one.

With everyone heard who wished to be heard, Acting Chairman Clifford closed the Public Hearing at 6:36 p.m.

DISCUSSION/DECISION

As requested by Chairman Clifford, the Board Secretary proceeded with the required questions (balancing test) for an area variance; the responses given by the ZBA members, were as follows:

(1). Would there be an undesirable change in neighborhood character or a detriment to nearby properties?

Finding: No – Clifford, Lewis, Pollak. Recused – Harter.

(2). Can the benefit be achieved by other means feasible to the applicant?

Finding: No – Clifford, Lewis, Pollak. Recused – Harter.

(3). Is the requested variance substantial?

Finding: No – Clifford, Lewis, Pollak. Recused – Harter.

- (4). Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

Finding: No – Clifford, Lewis, Pollak. Recused – Harter.

- (5). Has the alleged difficulty been self-created?

Finding: Yes – Chairman Clifford. No – Lewis, Pollak. Recused – Harter.

Chairman Clifford affirmed that under 6 NYCRR Part 617.5(c)(10), (12) or (13) of the State Environmental Quality Review Law, the proposed action is a Type II action and is determined not to have a significant impact on the environment, or is otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

With no further discussion, **a motion was made by Member Pollak to approve the Area Variance for a driveway closer to a dwelling than allowed. The motion was seconded by Member Lewis, with the vote recorded as follows:**

Ayes:	Chairman Clifford	Nays:	None
	Member Pollak		
	Member Lewis	Absent:	Member Zech
		Recused:	Alternate Member Harter

Motion passed.

This becomes Action 495/8 of 2022.

James R. Obrist, Applicant/James R. & Carole G. Obrist, Reputed Owners - 9 Bartlett Avenue - TM #66.81-01-26.000 - Area Variance - Construction of Front Porch Closer to Property Lines Than Allowed.

Chairman Clifford recognized the applicant who explained that he would like to replace his existing porch plus add an additional footage to the current footprint. They also would like to raise the height an additional nine inches to eliminate a porch step. Reference is made to the annotated survey map accompanying the application.

Chairman Clifford asked if there was anyone who wished to speak regarding this appeal; there was no one.

With everyone heard who wished to be heard, Acting Chairman Clifford closed the Public Hearing at 6:45 p.m.

DISCUSSION/DECISION

The Board discussed the property line distances/requirements. Member Pollak was concerned with distances to the sidewalk. Mr. Obrist responded with the measurements and location of their deck. Chairman Clifford clarified that the Board is to consider the setbacks from both property lines.

As requested by Chairman Clifford, the Board Secretary proceeded with the required questions (balancing test) for an area variance; the responses given by the ZBA members, were as follows:

- (1). Would there be an undesirable change in neighborhood character or a detriment to nearby properties?

Finding: No. All Board members present agreed.

- (2). Can the benefit be achieved by other means feasible to the applicant?

Finding: No. All Board members present agreed.

(3). Is the requested variance substantial?

Finding: Yes. All Board members present agreed.

(4). Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood?

Finding: No. All Board members present agreed.

(5). Has the alleged difficulty been self-created?

Finding: Yes. All Board members present agreed.

Chairman Clifford affirmed that under 6 NYCRR Part 617.5(c)(10), (12) or (13) of the State Environmental Quality Review Law, the proposed action is a Type II action and is determined not to have a significant impact on the environment, or is otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

With no further discussion, **a motion was made by Alternate Member Harter to approve the Area Variance for construction of a front porch closer to the property lines than allowed. The motion was seconded by Member Pollak, with the vote recorded as follows:**

Ayes:	Chairman Clifford	Nays:	None
	Member Pollak		
	Member Lewis	Absent:	Member Zech
	Alternate Member Harter		

Motion passed.

This becomes Action 496/9 of 2022.

APPROVAL OF MINUTES – 26 MAY 2022

A motion was made by Alternate Member Harter to approve the Minutes of the 26 May 2022 meeting of the Zoning Board of Appeals, as submitted. The motion was seconded by Member Lewis, with the vote recorded as follows:

Ayes:	Chairman Clifford	Nays:	None
	Member Pollak		
	Member Lewis	Absent:	Member Zech
	Alternate Member Harter		

Motion passed.

This becomes Action 10 of 2022.

ADJOURNMENT

At 7:05 PM, on a motion by Member Pollak, seconded by Alternate Member Harter, and with all Board members present voting in favor, the meeting was adjourned.


Joan E. Fitch, Board Secretary

E-mailed 10/26/22 to Mayor, DE, TD, TJ, Vill.
Atty., CEO & ZBA Members.