



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

TRISHA R. HIEMSTRA, P.E.  
Director of Planning  
Email: thiemstra@cortland-co.org

**General Municipal Law (GML) 239 Return**

**June 13, 2023**

**RE:            Applicant:            Scott Walter**  
**Tax ID#:                76.24-01-06.000**  
**Project Location:    76 South West Street**

The staff of the Cortland County Planning Department reviewed the application submitted by the **Village of Homer** for an **area variance** that would be needed for building a 12 foot x 20 foot addition on the north side of an existing residential building. The property is owned by Scott Walter and is located on the east side of South West Street (NYS Route 281), across from the Glenwood Cemetery with a tax map # 76.24-01-06.000 and is zoned **Residential District 2 (R-2)**.

The *Code of the Village of Homer* §228-12 R-2 Residential District indicates that minimum lot size for a single-family dwelling is 9,000 square feet. The lot of this property is 6,581.7 square feet. §228-12 (D) indicates that minimum side yard lot requirements for a single-family home is 15 feet. This addition will reduce the side yard to 6.14 feet from the property line at one point along the addition.

The staff has determined that this request is both technically adequate and has no State or County-wide impact; therefore, this area variance is being returned to the Village of Homer without County Planning Board review. If the Village of Homer still feels that a full review by the County Planning Board is necessary, please contact the County Planning Department by June 30, 2023.

Prepared by

Gina Cassidy, Land Use Planner

Reviewed by

Trisha R. Hiemstra, Director of Planning

# VILLAGE OF HOMER ZONING BOARD OF APPEALS

## CORTLAND COUNTY, NEW YORK

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

ADAM CLIFFORD, CHAIRMAN  
MICHAEL HARTER  
RUTH LEWIS  
DANIEL ZECH  
PATRICIA POLLAK  
ALTERNATE, OPEN

### MEETING NOTICE & AGENDA

**JULY 6, 2023 - 6:30 PM - TOWN HALL, 31 NORTH MAIN STREET, HOMER, AND ZOOM**

**-APPEAL #501:**

Applicant/Property Owner:	Scott Walter
Property Address:	72 South West Street
Tax Map #:	76..24-01-06.000
Zoning District:	R-2
Code Ref.:	Article II: 228-12
Variance Requested:	To add an addition on the North side of the house 12' x 20' less than 7' from the property line.

- 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 JANUARY 31, 2023, ZBA MEETING MINUTES**

**• ADJOURNMENT**

TLD: 06/12/2023

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

## NOTICE OF VILLAGE OF HOMER ZONING BOARD OF APPEALS

NOTICE IS HEREBY GIVEN that the Village of Homer Zoning Board of Appeals will meet in person at the Town Hall in Homer located at 31 North Main Street on July 6, 2023, at 6:30 P.M. to consider the following pursuant to the current Village of Homer Code of Ordinances:

- Appeal: 76 South West Street, Homer, NY-Requesting a variance to put up an addition on the North Side of the House 12'X 20', less than 7' from the property line; therefore less than allowed.

Pursuant to NYS Legislature's approval of Bill S50001, amending the Open Meetings Law 1, the Village of Homer Board of Trustees meeting will be zoom and in-person attendance. Individuals may speak at the public hearing or in the absence of public comment, we encourage residents to request a zoom link by contacting Tanya DiGennaro at the Village Offices at 607-749-3322 or by emailing [tdigennaro@homerny.org](mailto:tdigennaro@homerny.org). Individuals may also watch the public hearing at the Village of Homer's YouTube channel. Please include in your email if you would like to participate directly in the remote conference portion. The above application is open to inspection at the Village Offices. We encourage you to email, call (607-749-3322), or mail, all your communication needs before said Village of Homer Board of Trustees meeting.

Tanya DiGennaro  
Village Treasurer



**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) Scott Watten  
of 76 S. West St  
(Street Number)  
NY  
(State)

Cortland  
(Municipality)  
607-423-0916  
(Phone Number)

Tax Map Number: 76-2401-06

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.) \_\_\_\_\_

I would like to put an addition on the North side of the House 12' x 20', It would be less than 7' from the property line . The house is very small with no Garage. My son lives in the house and would like to expand the family. A larger house would make that much easier to do.

f) A VARIANCE FOR SIGN INSTALLATION (you must show how the sign will not interfere with safety, traffic, etc.) \_\_\_\_\_

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.

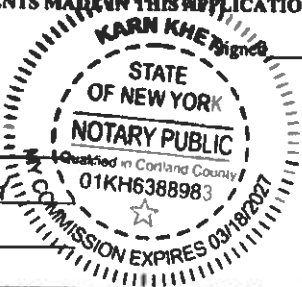
[Signature]  
(Applicant)

STATE OF NEW YORK §.

COUNTY OF CORTLAND

Sworn to this 9 day of MAY

[Signature]  
(Notary Public)



## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project:							
Project Location (describe, and attach a location map): <span style="font-size: 1.2em;">76 South West Rd. Cortland NY</span>							
Brief Description of Proposed Action: <span style="font-size: 1.2em;">ADD 12x20 ADDITION to Existing House -</span>							
Name of Applicant or Sponsor: <span style="font-size: 1.2em;">Scott Walker</span>		Telephone: <span style="font-size: 1.2em;">607-427-0296</span>					
		E-Mail: <span style="font-size: 1.2em;">Scott@webberswanehouse.com</span>					
Address: <span style="font-size: 1.2em;">4377 Medina Lane</span>							
City/PO: <span style="font-size: 1.2em;">Cortland</span>		State: <span style="font-size: 1.2em;">NY</span>	Zip Code: <span style="font-size: 1.2em;">13045</span>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="padding: 2px;">NO</th> <th style="padding: 2px;">YES</th> </tr> <tr> <td style="text-align: center; padding: 2px;"><input checked="" type="checkbox"/></td> <td style="text-align: center; padding: 2px;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		<span style="font-size: 1.2em;">72 x 103</span> acres					
b. Total acreage to be physically disturbed?		_____ acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?  b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?  b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

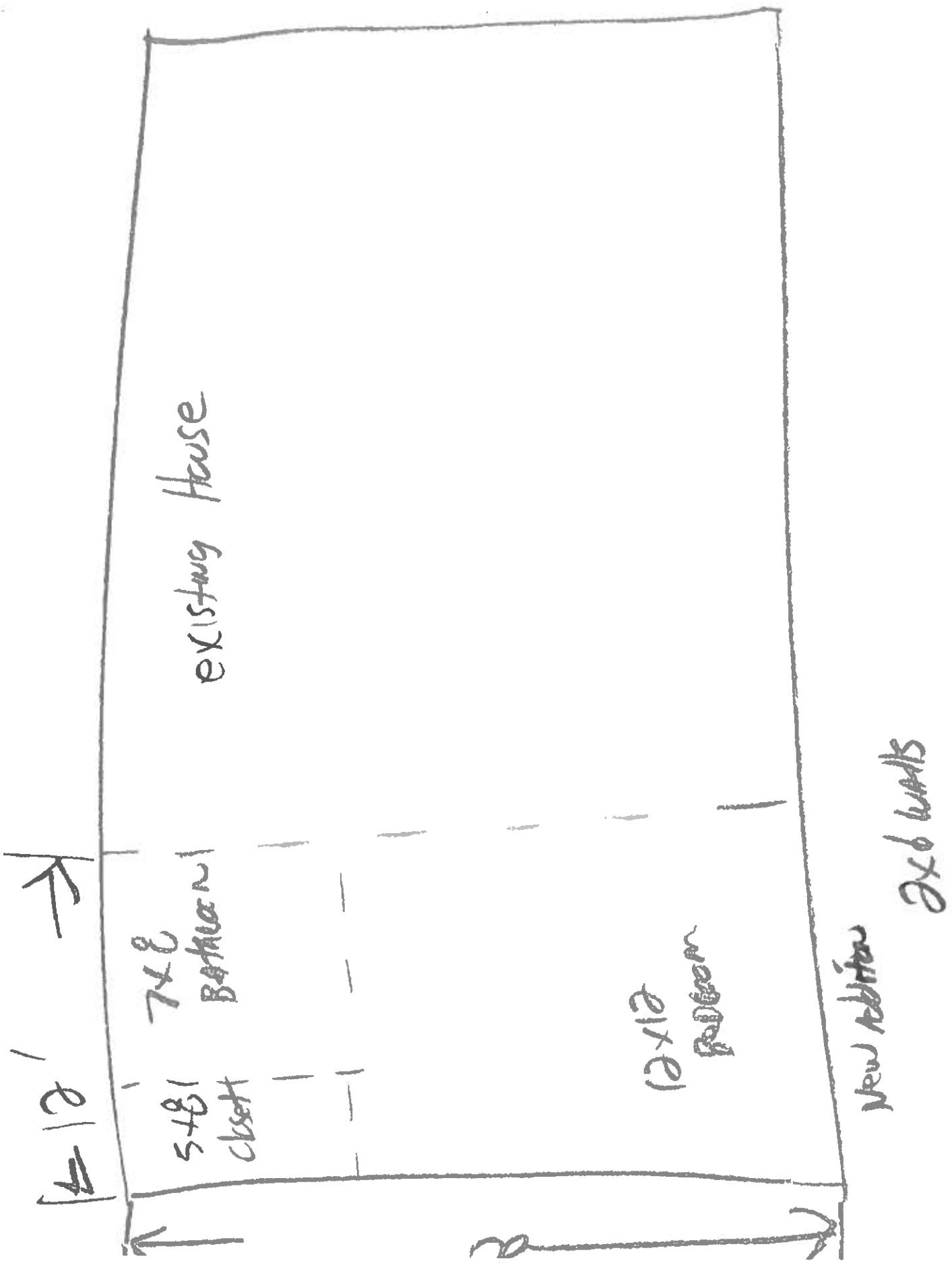
**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Scott Walton

Signature: [Signature]

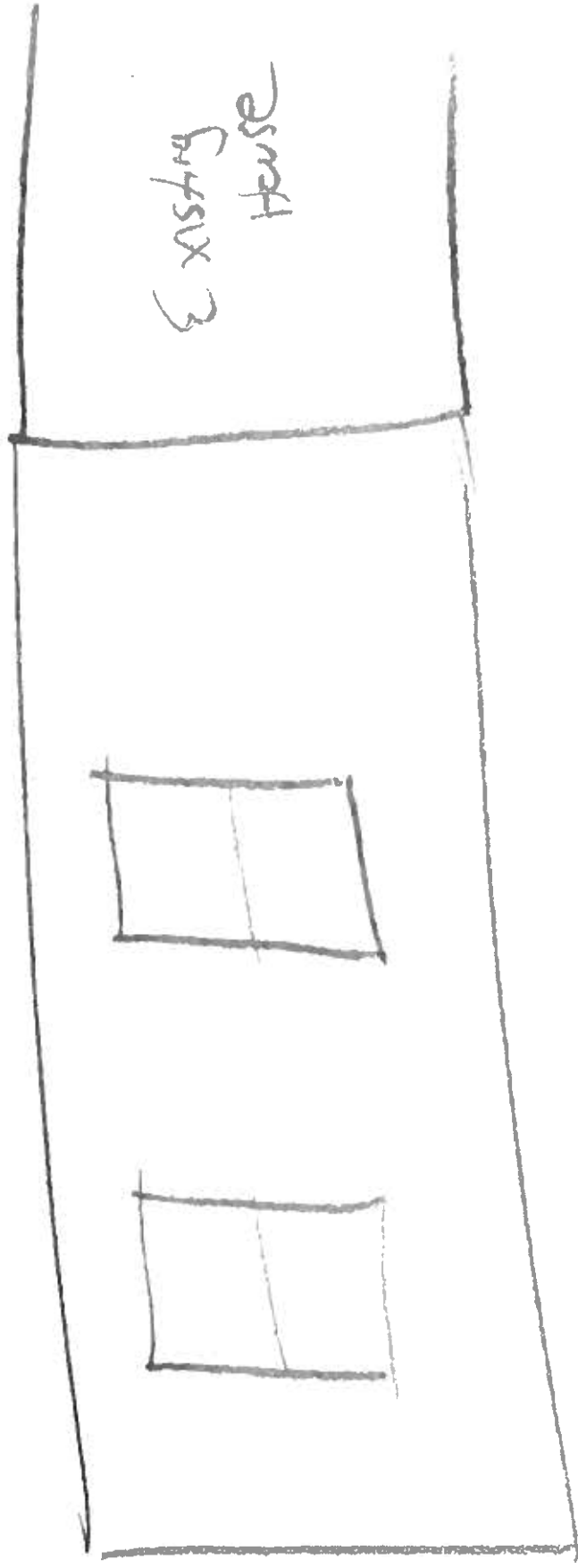
Date: 4-24-23





Roof to match  
existing roof

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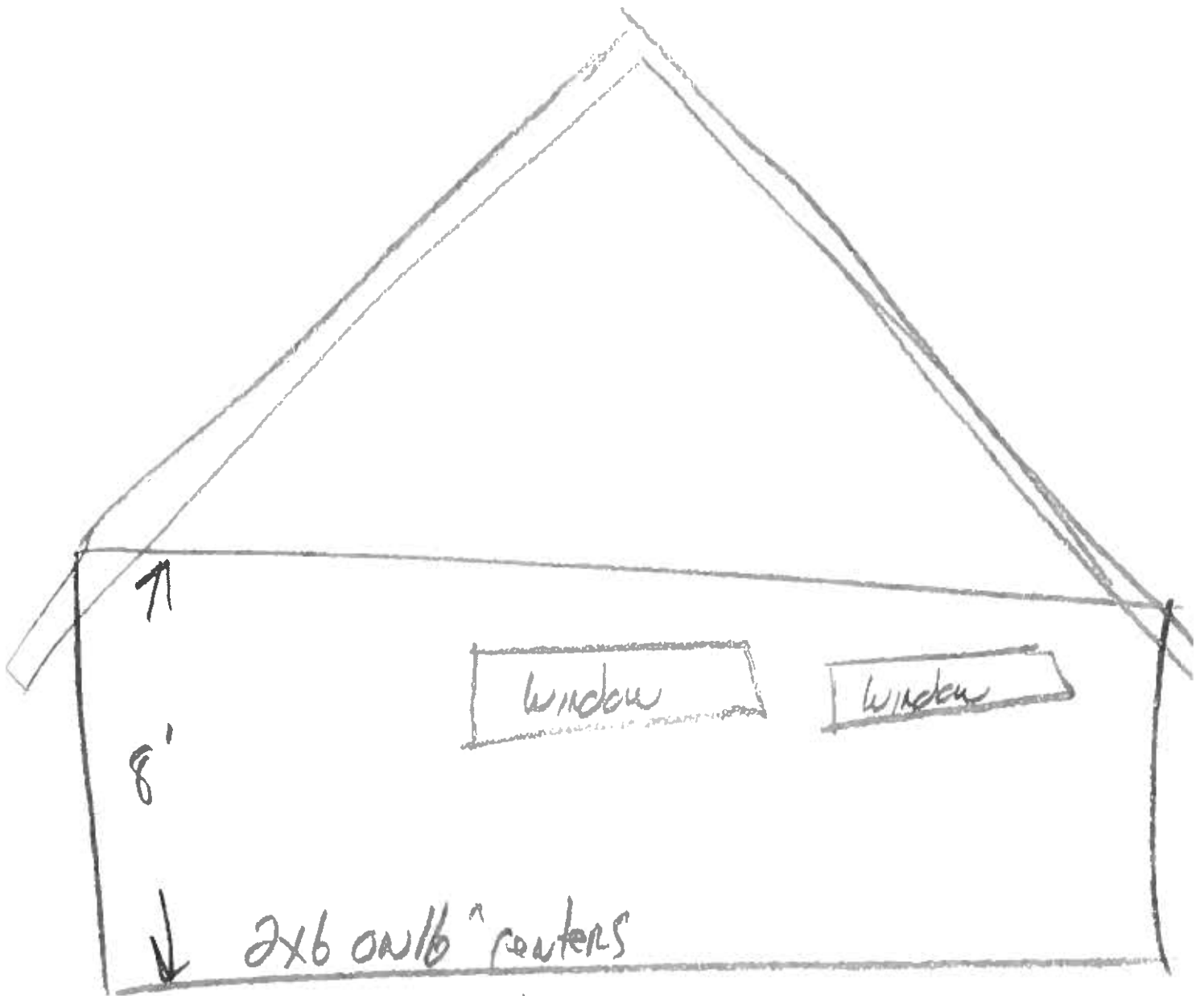


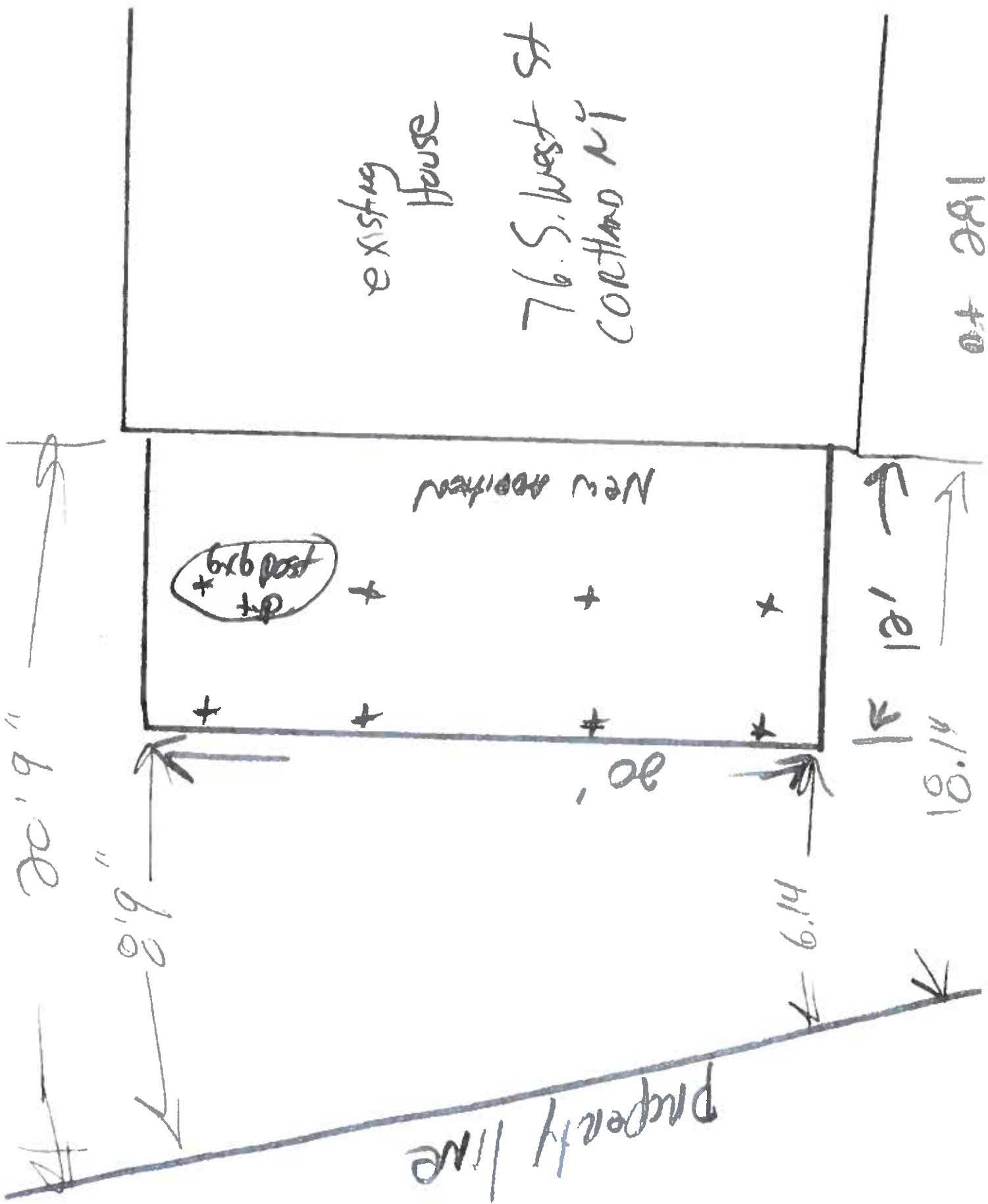
Existing  
House

SIDE VIEW

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1/20





existing House

76 S. West St  
CORCHAQ MI

18E + 0

New addition

6x6 post

20'9"

6'8"

20'

6'14"

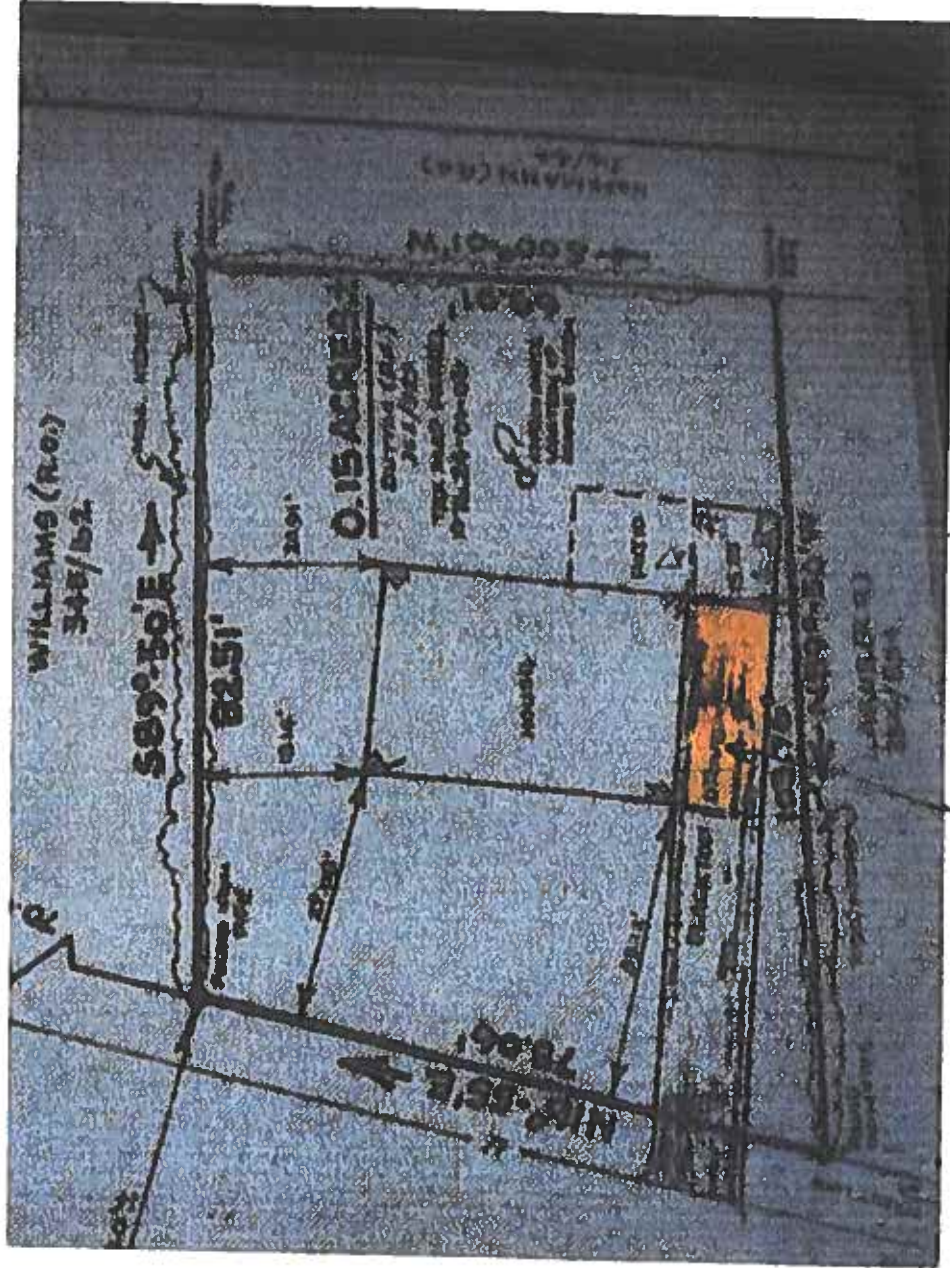
12'

11'8 1/2"

Property line

Scott Walter

From: Scott Walterb <swalt723@gmail.com>  
Sent: Thursday, April 13, 2023 2:27 PM  
To: Scott Walter  
Subject: F

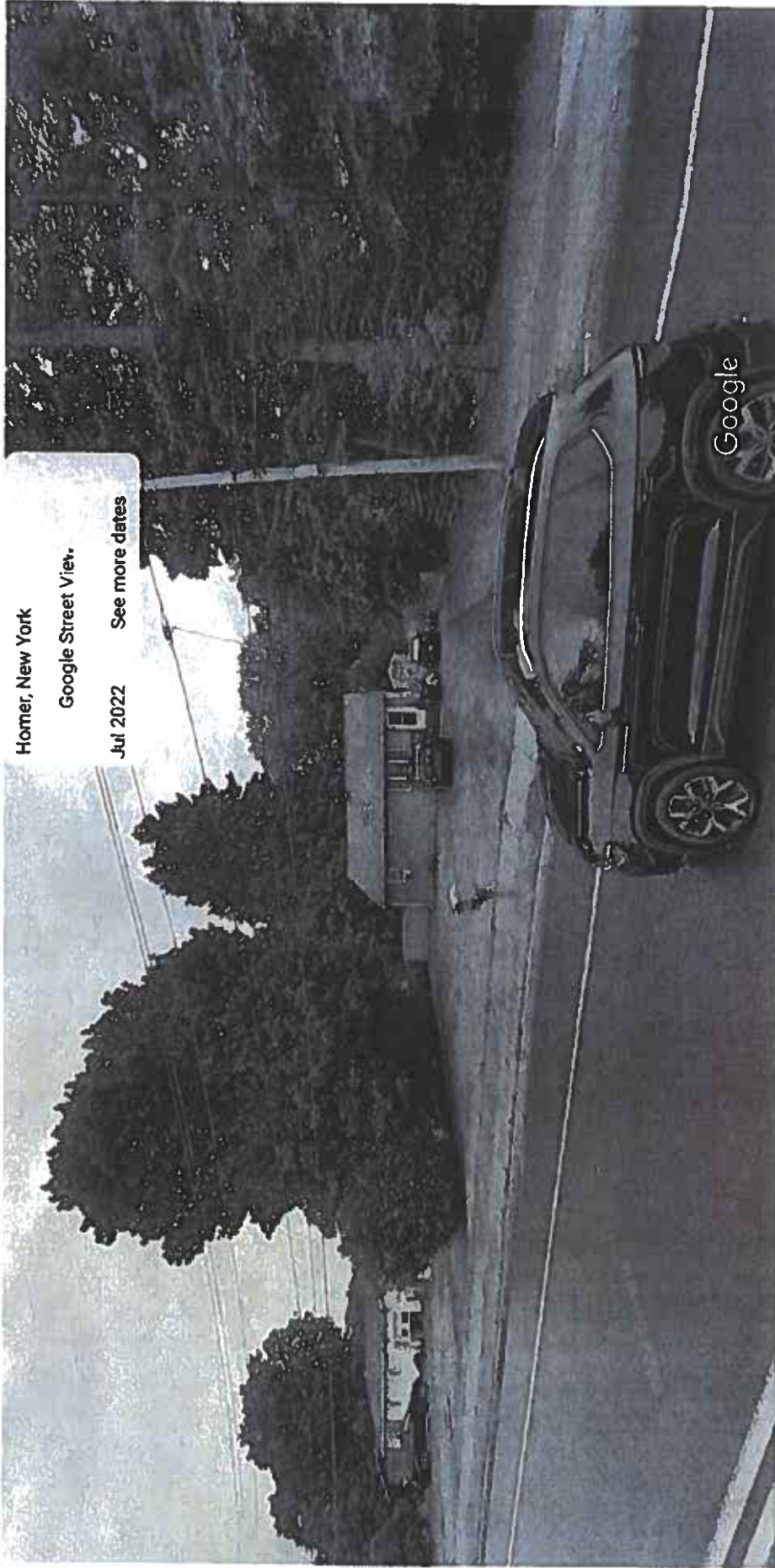


PROPOSED ABORTION

5/1/23, 10:14 AM

76 S West St - Google Maps

Google Maps 76 S West St



← 42°37'54.3"N 76°11'28.0"W

# VILLAGE OF HOMER

## BUILDING PERMIT APPLICATION

31 North Main St. - Homer, NY 13077 - 607-749-3322

Building Permit #: \_\_\_\_\_ Date issued: \_\_\_\_\_ Fee paid: \_\_\_\_\_  
Tax Map #: 76.24-01-06 Est. Cost: \$ 13,000

This notice must be prominently displayed on the property or which it pertains.

Applicant Name: Scott Walter

Property Owner Name: Scott Walter

Permitting (What is your project): ADD 12x20 to NORTH SIDE  
of existing House, 1-Bedroom - 1 Bathroom

Address: 76 S. West St.

Phone Number: 607-493-0296 Zoning District: \_\_\_\_\_

You will be expected to provide detailed drawings of your project which should include: details of all materials to be used, all measurement and spacing details, and measurements to the property line when appropriate.

Do not proceed beyond these points until countersigned below by the inspector. Any work covered before inspection, including footers and foundation shall be uncovered upon the request of the Code Enforcement Officer. If proper inspection cannot be performed neither a Certificate of Occupancy nor Certificate of Compliance will be issued for work covered under this permit.

Footing before pouring concrete	_____	Footing before backfill	_____
Framing before closing	_____	Electrical before enclosing	_____
Plumbing before enclosing	_____	HVAC before enclosing	_____
Insulation Inspection	_____	Final Inspection	_____

Permission is hereby granted to proceed with the work as set forth in the specifications, plans, or statement now on file in this department. Any amendments made to the original plans or specifications must be submitted for approval.

I hereby certify that: The above information is true to the best of my knowledge and the building (s) to be built under this Building Permit will meet the requirements of the Village of Homer, New York Ordinances and the New York State Building Construction Code. That all workmen engage thereon are covered by Workmen's Compensation Insurance, certificate of which is herewith filed with this application. That the building (s) will not be occupied until a Certificate of Occupancy is issued.

[Signature]  
Applicant

[Signature]  
Issuing Officer

Application Approved   
Application Denied

\_\_\_\_\_  
Homer Village Clerk