

MINUTES OF THE ZONING BOARD OF APPEALS 6-5-14

Members Present: Dan O'Shea, Bob Lieber and Nancy Dalley. Also present, Town Attorney Don Armstrong. Absent is Al Socha and Jay Currie.

Visitors: Paul and Maureen Knapp, Richard Kurtz, Daryl Haumann and Deb and Ken Brock, and Amy Bertini.

The meeting was called to order at 7:30. Dan O'Shea opened the Public Hearing on the Knapp area variance. Amy Bertini, on behalf of the Cortland County Planning Board noted that the application first came through as a use variance, but it was determined to actually be an area variance, as the use of the building will not change. Ken Brock commented that the mural falls in with the Town's land use and comprehensive plan to remain a rural community. There being no further comments, the Knapp public hearing closed at 7:35 PM.

Next is the Public Hearing on the Kurtz area variance application to replace a camp on Tully Lake (St. Charles Bay Rd.). Mr. Kurtz commented that the septic has been approved by County Health. He needs to stay 10 feet away from the septic but with that move, he does not meet the set back. He said the new house will be a modest 1200 square feet, with almost the same footprint as the original but a bit larger. The variance will mean he does not need to have a second septic system or build a narrower home. There being no further comments, the Kurtz public hearing closed at 7:40 PM.

Dan O'Shea then redirected the board back to the Knapp variance to review their short environmental assessment form, reviewing the responses to questions number (1) through (20). The board is in agreement with the Knapp's responses with the exception of number (9), changed from yes to no, that the proposed action does not exceed the state energy code requirements. The board then moved on to part 2 – Impact Assessment finding no negative impacts. Chairman O'Shea proceeded to check the box that based on its review, the proposed action will not result in any significant adverse environmental impacts. Dan also said that additionally, County Planning had reviewed the application finding no county-wide impact with no further review needed. Further, the Board had heard from Stephen Roof from the NYS Department of Transportation that the proposed mural display is not subject to regulation by NYS D.O.T. under the 1965 Highway Beautification Act or Title 17.

Therefore, the Board finds as follows: **Whereas**, the proposed sign is in compliance with the comprehensive plan i.e. promoting sustainable agriculture; and **Whereas**, the proposed sign could be classified as a mural that is aesthetically pleasing; and **Whereas**, the applicant has agreed not to artificially light the sign; and **Whereas**, the County Planning Department has reviewed this application and commented that the larger sign/mural would not change their previous recommendation and the recommendations have been followed; and **Whereas**, the NYS D.O.T. has stated the sign does not need to be regulated by them; and **Whereas**, the proposed sign/mural would enhance the character of the neighborhood and promote the rural nature of the community; and **Whereas**, the applicant has no practical alternative to create the mural; and **Whereas**, the substantial nature of the mural adds to the benefit; and **Whereas**, the proposed variance will not have an adverse effect as determined by the SEQR review; and **Whereas**, the alleged difficulty for self creation does not apply.

**Wherefore it is Resolved**, that the Paul and Maureen Knapp application for an area variance is hereby granted on motion made by Bob Lieber, seconded by Nancy Dalley, all in favor, the motion carries.

The Knapp's thanks the Board for their work and leave at 8:05 PM.

Next is the Richard Kurtz review for a use variance. The Board proceeded to the applicant's Short Environmental Assessment Form, reviewing numbers (1) through (20). Regarding question number (10), the response is corrected to say Yes, the proposed action will connect to existing private water supply. (11) is corrected to say No, it will not connect to existing wastewater utilities. The Board then moved on to Part 2

Impact Assessment finding no, or small impact may occur, and finding no moderate to large impacts. Chairman O'Shea checked the box in Part 3 that the Board has determined based on the analysis above, that the proposed action will not result in any significant environmental impact with the proviso that the applicant needs a certification from an engineer that the existing system will sufficiently service the proposed structure.

Bob Lieber, moves to grant the variance from the side yard setback to build a larger structure from the prior non-conforming use, with the conditions noted regarding an engineer's certification as per Don Armstrong's conversation with Mike Ryan from the Cortland County Health Department, seconded by Nancy Dalley, the board then in consensus, finds as follows: **Whereas**, the applicant has agreed to comply with the request from County Health to supply an engineer's certification that the existing system is sufficient to service the proposed structure; and **Whereas** the County Planning Department reported that the application is technically adequate; and **Whereas**, the replacement structure would likely improve the neighborhood as opposed to being a detriment; and **Whereas**, the benefit sought by the applicant cannot be achieved in any other practical way other than the requested area variance; and **Whereas**, the proposed replacement structure is only slightly larger than the existing structure and must be moved to have clearance from septic system components; and **Whereas**, the proposed replacement structure will not have an increased adverse effect on the physical or environmental conditions; and **Whereas**, the substandard lot was not self created. **Wherefore, it is Resolved that** the area variance be granted to Richard Kurtz with the condition that a County Health permit be obtained as they require, so moved by Bob Lieber, seconded by Nancy Dalley, all in favor motion carried.

Motion to approve the minutes of the special meeting of May 15, 2014, made by Bob Lieber, seconded by Nancy Dalley, all in favor, the motion carried. Discussion to move the July 3, 2014 meeting due to the holiday to July 10, 2014, if the room is available, and if there are agenda items for the meeting. Motion made by Bob Lieber, seconded by Nancy Dalley to move the July 3<sup>rd</sup> meeting to July 10<sup>th</sup>, if necessary, all in favor the motion carried. Motion to adjourn at 8:45 PM made by Nancy Dalley, seconded by Bob Lieber, all in favor the motion carried.

Respectfully submitted,

Mary Anne McCloskey, Secretary