

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Zoom Meeting Minutes - Thursday, 28 October 2021 – 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
Patrick Clune, Village Deputy Mayor
Kevin McMahan, CEO
Dante Armideo, Village Attorney

Applicants/Public Present

Jason Bailey, Applicant; Michele Gravel.

APPEAL #491

Jason Bailey, Applicant/Reputed Owner – 1 Park Avenue - TM #76.25-02-01.000 – Area Variance Request – Garage Closer to Property Line Than Allowed

Chairman Tim Maxson recognized the applicant who was seeking an Area Variance to replace an old garage with a shed of the same size, at the same location, and in the same footprint, which is closer to the property line than allowed. The required setback is ten (10) feet; the shed will be set back three to four feet. Mr. Bailey stated he had spoke with his neighbors; none of them had any objection. The new shed would be placed on a pad.

Chairman Maxson asked if there was anyone present from the public who wished to speak; there was no one.

**With everyone heard who wished to be heard, Chairman Maxson
closed the Public Hearing at 6:37 p.m.**

DISCUSSION/DECISION

Member Adam Clifford asked if there were any written comments received; there were none. He then commented that the appeal “seemed pretty forward to me.” Member Pat Pollak asked about the setback requirement and also why it was a shed in place of a garage. Mr. Bailey responded that the reason it was a shed was because it was a temporary structure which he could move if he wanted to. Member Pollak then asked Village Attorney Dante Armideo about the setback requirements, but he did not have a Code Book readily available. Member Pollak stated she had never received one. Village CEO Kevin McMahan advised that the setback was ten (10) feet. The shed, which has already been placed, is set back three feet on one side, and a little less than four feet on the other. Member Pollak asked why the shed could not be placed to conform to the required setbacks, Chairman Maxson advised that the shed would fall “in the middle of his house.” It was noted that the subject property is only 70 feet by 50 feet, so there was no other place to put it.

The Board then proceeded with the required questions (balancing test) for an area variance, with the responses being given by the ZBA members, as follows:

1. Will the proposed action produce an undesirable change in the character of the neighborhood, or a detriment to nearby properties be created?

Finding: No. All agreed.

2. Can the applicant achieve his goals via a reasonable alternative which does not involve the necessity of an area variance?

Finding: No. All agreed

3. Is the variance substantial?

Finding: Yes. All agreed.

4. Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?

Finding: No. All agreed.

5. Has there been any self-created difficulty?

Finding: No. All agreed.

Village Attorney Armideo advised 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 Clifford to grant the Area Variance for the proposed shed too close to the property lines than allowed, as requested. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:**

**Ayes: Chairman Maxson
Member Clifford
Member Rayman-Metcalf
Member Pollak
Member Zech**

Nays: None

Motion carried.

This becomes Action #491/10 of 2021.

APPROVAL OF MINUTES – 8 JUNE 2021

It was noted that “Paula Harrington should be Patricia Pollak.” A **motion was made by Member Rayman-Metcalf to approve the Minutes of the 8 June 2021 meeting of the Zoning Board of Appeals, as corrected. The motion was seconded by Member Clifford, with the vote recorded as follows:**

**Ayes: Chairman Maxson
Member Clifford
Member Rayman-Metcalf
Member Pollak
Member Zech**

Nays: None

Motion carried.

This becomes Action #11 of 2021.

MEETING DATE/TIME

A **motion was made by Member Clifford that the Village of Homer Zoning Board of Appeals sets their 2021 meeting date as the fourth Thursday of each month at 6:30 p.m., as needed. The motion was seconded by Member Rayman-Metcalf, with the vote recorded as follows:**

**Ayes: Chairman Maxson
Member Clifford
Member Rayman-Metcalf
Member Pollak
Member Zech**

Nays: None

Motion carried.

This becomes Action #12 of 2021.

TRAINING

Village Treasurer DiGennaro advised that the deadline for the required training of Board Members was coming up, so this needed to be completed. All members need four hours, and the training could be done along with the Planning Board in January. She will also send online training via email.

ADJOURNMENT

At 7:10 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 11/18/21 to Mayor, DE, TD, TJ, Vill. Atty.,
CEO & ZBA Members.