

VILLAGE OF HOMER ZONING BOARD OF APPEALS
Zoom/In-Person Meeting Minutes - Thursday, 11 May 2022 - 6:30 PM
Offices: 31 North Main Street – Homer, Cortland County, NY

Board Members

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

(*absent)

Others Present

Joan E. Fitch, Board Secretary
Dan Egnor, Village Clerk/Zoom Host
Dante Armideo, Village Attorney
Patrick Clune, Deputy Mayor
Kevin McMahon, CEO

Applicants/Public Present

Anthony DiPerno for Victory Sign, Applicant; Stephanie & Anthony Baldwin, Applicants (?); Joe Sovocool of Family Health Network.

The Public Hearings were opened at 6:30 p.m. by Acting Chairman Adam Clifford. The Village Clerk 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 (Area)

Reference is made to the ZBA Minutes of 24 March 2022 for previous information.

Acting Chairman Adam Clifford recognized Anthony DiPerno, representing the applicant who was seeking an Area 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. The request was originally referred to as a Use Variance but, after additional research by CEO McMahon it was determined to be an Area Variance request. Mr. DiPerno advised that nothing had changed regarding the proposed sign since the March meeting. He noted that the proposed sign is to be set back farther than the others nearby and there will be nothing to block the visibility of the Route 13 traffic going by. It will also be used strictly for FHN with no off-premises advertising.

Member Dan Zech asked why the sign had to be of the type requested, and Mr. DiPerno explained that the “old types are obsolete, especially when it comes to changing the message.

Acting Chairman Clifford asked if there was anyone who wished to speak regarding this appeal; there was, as follows:

Patrick Clune – Asked if sign was same style as at Cortland facility; it was. Mr. DiPerno added that brightness can be controlled and the sign will automatically dim and/or brighten depending on amount of outdoor light.

With everyone heard who wished to be heard, Acting Chairman Clifford closed the Public Hearing at 6:50 p.m.

DISCUSSION/DECISION

Village Attorney Dante Armideo explained the sign permitting process to those present. He also advised that under 6 NYCRR Part 617.5©(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

Acting Chairman Clifford read from previous Minutes regarding other signs of this type. Board members discussed the frequency of the message change. Attorney Armideo explained the timetable of the creation of districts, and advised that the R-1 District rules apply here. Member Zech was concerned that a precedent might be set.

As requested by Acting 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: Yes – Clifford, Zech. Nay – Lewis & Harter.

Reasons Given: It's far away from most neighborhood businesses. It's a new type of sign and is not appealing to the Village. This area would be increasingly commercial.

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

Finding: Yes. All Board members present agreed.

Reasons Given: Other signs are available that would be satisfactory; there are examples in the Village.

- (3). Is the requested variance substantial?

Finding: Yes. All Board members present agreed.

Reasons Given: New technology hasn't been adopted in the Village. Village Code is not updated yet.

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

Finding: Yes – Clifford, Zech. Nay – Lewis & Harter.

Reasons Given: Glare could be possible at night. It would be a distraction to traffic and the aesthetics of the area.

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

Finding: Yes – Clifford, Harter. Nay – Lewis & Zech.

Reasons Given: Don't think any type of sign should be used. There's a restriction in the R-1 District.

Board members discussed the pros and cons of any decision they may make. Acting Chairman Clifford still uncomfortable with setting a precedent.

Attorney Armideo advised about the Code revision process and stated it will take some time to do this, but the applicant is welcome to reapply. The Village Board of Trustees should update this part (signs) of the Code beforehand. Similar sign(s) are in the Commercial District.

At the conclusion of the balancing test and a lengthy discussion, **a motion was made by Alternate Member Harter to deny the area variance for the proposed sign. The motion was seconded by Member Zech, with the vote recorded as follows:**

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

Motion passed.

This becomes Action 492/4 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

It is noted for the record that this application for an Area Variance to allow parking of a camper on the driveway in front of the house was withdrawn by the Applicants.

No Action Required.

APPROVAL OF MINUTES - 24 MARCH 2022

A motion was made by Alternate Member Harter to approve the Minutes of the 24 March 2022 meeting of the Zoning Board of Appeals, as submitted. The motion was seconded by Acting Chairman Clifford, with the vote recorded as follows:

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

Motion passed.

This becomes Action #5 of 2022.

ADJOURNMENT

At 7:45 PM, on a motion by Alternate Member Harter, seconded by Member Zech, and with all Board members present voting in favor, the meeting was adjourned.



 Joan E. Fitch, Board Secretary

E-mailed 5/26/22 to Mayor, DE, TD, TJ, Vill. Atty.,
CEO & ZBA Members.