

# Town of Homer Zoning Board of Appeals

Minutes for Wednesday, October 26, 2016

## **Board Members** (absent \*)

Gary Lawrence, Chairman\*

Jon Miller

Gary Sweeney

Ken Poole

Zachary Young

Daniel Gustafson

Gerald Neuman

## **Others Present**

Lindsay Andersen, Recording Secretary

John Daniels, CEO\*

Pat Snyder, Attorney

**Public Attendance:** Dorina Johnson, Don Richards

## **Public Hearing**

Acting Chairman Gustafson opened the public hearing to consider **an application by Pine Grove Storage, LLC, for a variance from the requirements of the Homer Flood Damage Prevention Law concerning the depth of fill for a self-storage building to be constructed at 5075 US Route 11.**

Don Richards was present to represent the project and stated that there will be no utilities going into the units or the facility and there will be no occupants. The sole purpose of the building will be for storage of goods.

With no questions or comments from the public the public hearing was closed.

## Regular Meeting

Acting Chairman Gustafson opened the regular meeting for discussion of the **application by Pine Grove Storage, LLC, for a variance from the requirements of the Homer Flood Damage Prevention Law concerning the depth of fill for a self-storage building to be constructed at 5075 US Route 11.**

Attorney Snyder stated that there is a variance procedure in the local law and this procedure should be followed for this application. Section 6 of the flood plain.

Attorney Snyder stated that conditions may be added to the variance which could include holding the town harmless and including a notification of the flood plain zone to the tenants of the storage units.

Member Neuman made the motion to approve the variance with the condition that Pine Grove Storage, LLC, incorporates in the lease a notification to the tenants informing them that the facility is located in the 100 year flood plain and that Pine Grove Storage, LLC, will defend and indemnify the Town of Homer of any liability. Member Miller seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Attorney Snyder stated that the project has been reviewed by the Cortland County Planning Board and a negative declaration under SEQR has been made by the Zoning Board of Appeals and also the Planning Board.

## Adjournment

The meeting was adjourned at 7:00pm.

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Lindsay M. Andersen, Recording Secretary