

Town of Homer Zoning Board of Appeals

Minutes for Wednesday, April 28, 2021 at 6:00pm

Board Members (absent *)

Gary Lawrence, Chairman

Stuart Young

Gary Sweeney

Joseph Gilbert

Neil McMahon*

Daniel Gustafson

Lynn Gilbert

Others Present

Lindsay Andersen, Recording Secretary

Kevin McMahon, CEO*

Pat Snyder, Attorney

Public Attendance: Dwight Berlew, Linda Underwood, Pete Hammon, Kathleen McGinn, Joseph McGinn, Al Castle, Barbara Stepien, Paul Stepien

Public Hearing

Chairman Lawrence opened the public hearing to consider **an application by Dwight Berlew for an area variance to create a sub-standard size lot of 1 acre out of property owned by Linda Underwood at the end of Elm Avenue, south of Little York Lake Rd.**

Kathleen McGinn stated that she owns the property adjacent to the proposed property. Al Castle stated he would like to know if building on this lot will be permitted. Chairman Lawrence stated because the lot is less than 2.4 acres the applicant needs to obtain an area variance to subdivide a lot of that size and residential building is not permitted on a lot of that size unless permitted by the Cortland County Health Department.

Dwight Berlew stated that he has no intention to build on this lot. He wants to purchase this lot to prevent someone from building behind him. The applicant also stated that he has no intentions of incurring an expense to bring in enough fill to be able to build a structure on the lot. He understands that he cannot build a residence, but he could build a garage as long as setback distances are met.

Paul Stepein stated he feels that Linda owns the property and Linda has the right to sell the property that she owns, and no one has the right to dictate or infringe upon that.

The McGinn's stated they were not opposed to this variance as long as a residence would not be built there.

There were no further questions or comments from the public and the public hearing was closed.

Chairman Lawrence opened the public hearing for **an application by Sarah Cobb for an area variance to house chickens in a coop which is within the setback distance from a property line at 5402 NYS Route 41.**

The applicant stated his wife and children have raised chickens for several years and would like to continue to do so.

There were no questions or comments from the public and the public hearing was closed.

Regular Meeting

Chairman Lawrence opened discussion for **an application by Dwight Berlew for an area variance to create a sub-standard size lot of 1 acre out of property owned by Linda Underwood at the end of Elm Avenue, south of Little York Lake Rd.**

Chairman Lawrence read the letter received by the Cortland County Planning Department which stated since the proposed 1 acre lot would not meet the County Health Department's minimum dimensional requirements for lots using an individual private well and septic system, the owner shall agree that no applications will be made for residential building permits on such parcel unless a waiver from the County Health Department from the minimal dimensional requirements for lots is obtained. The proposed area variance and subdivision request is otherwise both technically adequate and has no State or County-wide impact. Therefore, the application is being returned for local determination.

Chairman Lawrence reviewed part 2 of the environmental assessment form with the board. All questions were answered no.

Member Gustafson made the motion to declare a negative declaration under SEQR, accept the application and grant the area variance contingent the recommendations by the county planning department are met and a notation is made on the survey map stating no residential building is permitted. Member Sweeney seconded the motion. With all members in favor saying "aye", none opposed, and none abstained. The motion was carried unanimous 6,0,0.

Chairman Lawrence opened discussion for the application **by Sarah Cobb for an area variance to house chickens in a coop which is within the setback distance from a property line at 5402 NYS Route 41.**

Chairman Lawrence reviewed part 2 of the environmental assessment form with the board. All questions were answered no.

There was discussion as to why a variance was needed. Attorney Snyder explained that in a residential district farm animals are to be kept 100 feet from the property lines unless a variance is approved.

Member Young made the motion to grant the area variance to house the chickens in a coop which is within the setback distance from a property line at 5402 NYS Route 41. Member Gilbert seconded the motion. With all members in favor saying “aye”, none opposed, and none abstained. The motion was carried unanimous 6,0,0.

Adjournment

The meeting was adjourned at 6:50pm.

Lindsay M. Andersen, Recording Secretary