

Cortland Standard

Local News

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Zoning may change for Byrne Decision for Route 13 gas station would affect nearby land

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CORTLANDVILLE — Rather than re-zone one parcel in a business district, which is against the law, the Cortlandville Town Board will consider re-zoning an entire stretch of Route 13 around a proposed Byrne Dairy store.

At a town board meeting earlier this week, the board got a request from Sonbyrne Sales Inc., which runs the Byrne stores and gas stations, to re-zone a site, where Willcox Tire used to be, to B-3 from B-2. A B-3 zone is designed to accommodate large commercial operations; a B-2 zone is designed for small businesses.

Such a zoning change for a single lot is considered spot zoning, which is illegal and the town has lost two lawsuits filed by resident Pam Jenkins over the past year over spot zoning involv-

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—Richard Tupper,
Town Supervisor

ing permits to expand a trash hauling business.

Town Supervisor Richard Tupper said the board asked Town Attorney John Folmer to draft a law that would change zoning of land along Route 13 from McLean Road to the Cortland city line to B-3.

Businesses allowed in B-2 zones include retail stores, bakeries, drug stores, dry cleaners, banks, restaurants,

indoor theaters, animal shelters, veterinary clinics and automobile dealerships. A B-3 zone, such as Route 281 in South Cortland, also allows high-volume businesses, including shopping centers and hotels.

A gas station, such as Byrne proposes, are allowed in B-3 zones only with a special permit. They are not allowed in a B-2 zone.

“People who already spoke up about it don’t want the zoning change,” said Jenkins, who was at the meeting. Residents also complained at a planning board meeting about Storage Squad proposing a storage site on Route 13, as well. “It’s not like there is a shortage of stations and convenience stores already.”

Tupper said the Tompkins Street of today is not the Tompkins Street when the area was last re-zoned two decades ago. The board’s goal with the proposed

zoning changes is to expand business opportunities.

“The changes will increase business,” Tupper said. “This has to do with a whole segment of land parcels.”

The board will draft the zoning change, Tupper said. The proposed law would have to go before the town and county planning boards to get recommendations before the Town Board votes on it. Tupper estimates the Town Board would consider a vote on the proposal in late January or early February.

The town had previously considered opening B-2 and B-3 districts to gas station development. Proposed legislation drafted by Folmer and submitted to the Town Board in October 2015 would redefine “gasoline stations” and “filling stations” as “retail petroleum sales facilities.” The board has since abandoned that proposal.

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