

**TOWN OF VIRGIL ZONING BOARD OF APPEALS**  
**Public Hearing/Meeting Minutes - Monday, 24 July 2017 - 6 PM**  
**Town Hall Meeting Room - Virgil, Cortland County, NY**

**Board Members**

Jeannine Sprague, Chairperson  
\*Linda Edwards  
John Coulter  
\*Sheila Morse  
Jeffrey Hall  
Steve Terwilliger, Alternate

(\*absent)

**Others Present**

Joan E. Fitch, Board Secretary  
Craig Umbehauer, Town CEO  
Patrick Snyder, Town Attorney

**Public Present**

Donna Lynch, Applicant; Bharath Srinivasan of SUN8, PDC, LLC.

**PUBLIC HEARING**

**At 6:15 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the *Cortland Standard* on 19 July 2017. Proof of Publication has been placed on file for the record.**

**SUN8, Applicant/George & Donna Lynch, Reputed Owners - 2864 & 2984 Page Green Road - TM #s 107.00-02-03.000 & 106.00-04-06.000 - Solar Array Closer to Property Line Than Allowed**

Chairperson Jeannine Sprague recognized Bharath Srinivasan of SUN8, representing the owners who were seeking an area variance to place a solar array within 23 feet of the property line between the subject parcels (with the same owner and included in the same lease to SUN8). The topography and design factors cause the northern solar array to require more spacing than the southern system, and would occur closer to the required 50-foot setback from the property line, as shown on the map displayed by Mr. Srinivasan. The proposed array would be enclosed with an eight-foot tall fence, and there would be a gravel road access. He also stated there would be no objectionable glare from the panels that would be visible from any neighboring house.

Chair Sprague asked if there was anyone present who wished to comment on the requested area variance; there was no one.

**With everyone wishing to be heard having been heard, Chair Sprague closed the Public Hearing at 6:33 p.m.**

DISCUSSION/DECISION

Chair Sprague acknowledged receipt of a letter from Cortland County Planning, dated 6/21/17, which stated they had no issue with what was being proposed. Mr. Srinivasan commented that he had no objects to the seven recommendations made by the County.

After a brief discussion, the Board then proceeded with the required questions (balancing test), 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 Board members present 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 Board members present agreed.

3. Is the variance substantial?

Finding: Yes, Chair Sprague & Member Coulter. No, Member Terwilliger and Member Hall. Tie vote.

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

Finding: No. All Board members present agreed.

5. Has there been any self-created difficulty?

Finding: No, Chair Sprague. Yes, Members Coulter, Hall, Terwilliger.

It is noted that this request for an area variance is a Type II Action and, as advised by Town Attorney Patrick Snyder, requires no SEQRA.

With no further discussion, **a motion was made by Member John Coulter to grant the area variance, as requested. The motion was seconded by Member Jeffrey Hall, with the vote recorded as follows:**

<b>Ayes: Chair Sprague</b>	<b>Nays: None</b>
<b>Member Coulter</b>	
<b>Member Hall</b>	<b>Absent: Member Morse</b>
<b>Alternate Member Terwilliger</b>	<b>Member Edwards</b>

**Motion carried.**

**This becomes Action #9 of 2017.**

**APPROVAL OF MINUTES – 27 MARCH & 24 APRIL 2017**

**A motion was made by Alternate Member Steve Terwilliger to approve the Minutes of this Board’s 27 March and 24 April 2017 public hearings/meetings, as submitted. The motion was seconded by Member Hall, with the vote recorded as follows:**

<b>Ayes: Chair Sprague</b>	<b>Nays: None</b>
<b>Member Coulter</b>	
<b>Member Hall</b>	<b>Absent: Member Morse</b>
<b>Alternate Member Terwilliger</b>	<b>Member Edwards</b>

**Motion carried.**

**This becomes Action #10 of 2017.**

**ADJOURNMENT**

A motion was made at 6:45 p.m. by Alternate Member Terwilliger to adjourn the meeting, seconded by Member Hall, with all members present voting in the affirmative.

  
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 Joan E. Fitch, Board Secretary

Submitted via e-mail to Town Supv., Town Clerk,  
Town Attorney, CEO, ZBA Members &  
Co. Planning on 12/18/17.