

TOWN OF VIRGIL ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Monday, 27 June 2016 - 6 PM
Town Hall Meeting Room - Virgil, Cortland County, NY

Board Members

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

(*absent)

Others Present

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

Public Present

John & Sheila Morse, Applicants.

ORGANIZATIONAL MATTERS

Selection of Chairperson for 2016

A motion was made by Member John Coulter to select Member Sheila Morse as ZBA Chairperson for 2016. No second was received. Motion failed.

A motion was then made by Member Jeff Hall to select Member Jeannine Sprague as ZBA Chairperson for 2016. The motion was seconded by Member Linda Edwards, with the vote recorded as follows:

Ayes:	Member Sprague	Nays:	Member Coulter
	Member Edwards		
	Member Hall	Abstain:	Member Morse

Motion carried.

This becomes Action #1 of 2016.

Selection of Board Secretary for 2016

A motion was made by Member Morse to select Joan Fitch as Board Secretary for 2016. The motion was seconded by Member Coulter, with the vote recorded as follows:

Ayes:	Chair Sprague	Nays:	None
	Member Edwards		
	Member Coulter		
	Member Hall		
	Member Morse		

Motion carried.

This becomes Action #2 of 2016.

Selection of ZBA Meeting Time/Day for 2016

A motion was made by Chair Sprague to select the fourth Monday of each month at 6 p.m. for the ZBA's regular meeting day/time, as needed. The motion was seconded by Member Morse, with the vote recorded as follows:

Ayes:	Chair Sprague	Nays:	None
	Member Edwards		
	Member Coulter		
	Member Hall		
	Member Morse		

Motion carried.

This becomes Action #3 of 2016.

At 6:06 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the Cortland Standard. Proof of Publication has been placed on file for the record.

PUBLIC HEARING

John & Sheila Morse, Appellants/Reputed Owners – 1724 & 1716 Tower Road – TM #107.00-02-11.100 – Lot Size, Road Frontage & Setback from Property Line Less Than Allowed

(It is noted for the record that Sheila Morse recused herself from this appeal as she is one of the appellants. Her seat on the Board was assumed by Alternate Member Steve Terwilliger.)

Chairperson Jeannine Sprague recognized Mrs. Morse who explained that she and her husband purchased the subject property in 2005 and, at that time, the parcel contained two homes and two barns as shown on a portion of the tax map accompanying the application. She further explained that they would like to split the parcel to allow for two separate parcels, each with one house and one barn. One lot would be 2.86± acres with 335± feet of road frontage, and a side lot setback of 28± feet, all measurements that are non-conforming to the Town's regulations. The second parcel will comprise 12.32± acres, with 558± feet of road frontage, and a non-conforming side lot setback of 28± feet. The two barns are approximately 58 feet apart so, if splitting down the middle, each lot would have a setback of 28 feet where 30 feet is required. There are two wells and two septic systems. Mrs. Morse stated that they have been trying to sell the entire parcel for many years, but no one wants two houses and two barns; however, it would be much easier to sell them as individual parcels, each containing a house and barn, and they have someone interested in doing so.

At the completion of the Board's questions, Chair Sprague asked if there was anyone from the public who wished to speak on this variance request; there was no one.

With everyone wishing to be heard having been heard, Chair Sprague closed the Public Hearing at 6:11 p.m.

DISCUSSION/DECISION

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: Nothing will change. 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, there's no other alternative. All Board members present agreed.
3. Is the variance substantial?
Finding: No, it's not substantial. (Vote: no – Coulter, Edwards, Hall & Terwilliger; yes – Chair Sprague.)
4. Will the variance have an adverse impact on physical or environmental conditions in the neighborhood or district?
Finding: No, it will remain the same as before. All Board members present agreed.

5. Has there been any self-created difficulty?

Finding: No; it was that way when purchased by the Morses 11± years ago.
All Board members present agreed.

With no further discussion, a motion was made by Alternate Member Steve Terwilliger to grant the area variance as requested. The motion was seconded by Member Linda Edwards, with the vote recorded as follows:

Ayes:	Chair Sprague	Nays:	None
	Member Edwards		
	Member Coulter	Absent:	Member Morse
	Member Hall		
	Alternate Member Terwilliger		

Motion carried.

This becomes Action #4 of 2016.

(Note: Member Morse resumed her seat on the Board; Alternate Member Terwilliger took a seat in the audience.)

APPROVAL OF MINUTES – 23 NOVEMBER 2015

A motion was made by Member Edwards to approve the Minutes of the 23 November 2015 meeting of this Board, as submitted. The motion was seconded by Chairperson Sprague, with the vote recorded as follows:

Ayes:	Chair Sprague	Nays:	None
	Member Edwards		
	Member Coulter		
	Member Hall		
	Member Morse		

Motion carried.

This becomes Action #5 of 2016.

ADJOURNMENT

A motion was made at 6:25 p.m. by Member Morse to adjourn the meeting, seconded by Member Hall, with all members present voting in the affirmative.



 Joan E. Fitch, Board Secretary

Submitted via e-mail to Town Supv., Town Clerk,
Town Attorney, CEO, ZBA Members &
Co. Planning on 8/15/16.