

# TOWN OF VIRGIL PLANNING BOARD

Minutes of Public Hearing & Regular Meeting - Monday, 27 February 2017 - 7 PM  
Town Hall - 1176 Church Street - Virgil, NY 13045

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

Jeffrey Breed, Chairman  
\*Gary Wood  
Carole Lathrop  
Ann Howe  
Mark Baranello  
Dale Taylor, Alternate

## **Others Present**

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

## **Applicants & Public Present**

John & Sheila Morse, Applicants; Jim & Dorothy Corl, Ron Smith, Hans Neudel, Dan Armitage, Justin Morgan (?), Jon Morse, Wyatt Malchak, Jakob Knapp, Drew Gardner, Ryan Sherwood, Zack Ferris (?), K. S. Minervini, Joni Moffitt, Jeff Stewart, Robin Chernow, Celestine Hall, Walt Nichols (? Illegible), Rene Dechert, Rick Marose, Michael Truman, Nancy Truman, Jeffrey Hall, Britt Morse, Emily Stevens, Tommy Stisser Waye & Kate Eastman, Pat Carrier, Rick Horner, Russell T. Ransom, Paul Slowey, B. Rockie (?), John Morse, Tad Murray, Linda Edwards, Randy G(?); Town Councilman Jereme Stiles.

## **PUBLIC HEARING**

### **John & Sheila Morse, Applicants/Reputed Owners - 2416 Stafford Road - TM #119.00-01-27.100 - Site Plan Review - Extended Evening Operating Hours**

**At 7 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the Cortland Standard on 15 February 2017. Proof of Publication has been placed on file for the record.**

Chairman Jeffrey Breed recognized Sheila Morse who addressed those present, explaining that she and her husband, John, appeared at last month's Town Planning Board meeting, requesting approval to extend the Blodgett Mills Sportsmen's Club hours to 8 a.m. to 9 p.m., except for law enforcement agencies. That request was denied. Reference is made to those Minutes for details.

At this hearing, Mrs. Morse had prepared and handed out a packet (undated) containing comments which she read aloud (sometimes paraphrasing), plus "Shotgun Range Safety Distances," "Shotgun Barrels, Chokes 'n Ballistics data, "How For Will Shotgun Pellets Travel?" by Shooter's Choice, three photos/maps, emails between City of Cortland Police Department and Jeff Stewart providing notification of shooting times. **(See Attachment A.)**

This time, the applicant was seeking to amend the range hours to allow for shooting trap under the lights, one night a week in the fall from daylight savings time until the end of November, plus one night a week during the months of March and April "before sunset extends late enough to allow all shooters to participate without the use of lights." They were proposing the current hours of operation (8 a.m. until sunset, except for law enforcement agencies" be amended to include "trap under the lights, Wednesday Night until 8 p.m., from daylight savings to the end of November, and the months of March and April."

Board members asked and received clarification regarding Sunday morning hours, recent property sales, comparable club activities (Dryden), distance to Finger Lakes Trail, dusk v. sunset v. twilight. When it was asked who would be responsible for any Club violations, Town Attorney Snyder replied that if a permit was issued to the Club, he would assume that the Club would be held responsible.

Chairman Breed then asked for comments from the public which were received as follows:

Hans Neudel – 2761 Snyder Hill Road – Works night and sleeps days. Shooting has made his life miserable. Has horses who don't like it. Some days they start before sunrise. Somedays still shooting a half hour after sunset. Nobody ever stopped by my house and asked how Club can make his life better. Starting horse training program; trying to figure out how to get around this "shooting business." Shoot at night when racetrack is running. Club has severely interfered with enjoyment of his property. Would consider Friday nights. Everyone should be able to work together. Against extended hours as proposed.

Jeff Stewart – 2472 Stafford Road – Lives next to gun club. Affected by gun range more than anyone else in this room. Has received shooting notification from City Police Department, but has not been notified in quite some time. Last month, Board voted to not grant additional hours for shooting. There's shooting Thursday nights under the lights in Dryden; not as though night-time shooters have no opportunity to shoot, they do. Keep hours the same. Not very well policed; they're already in violation. Opposes extension of gun club hours.

Ron Smith – Cincinnatus, NY – Club member. Is there any noise ordinance in this area or time limit? Racetrack will go to 2 a.m.; sees no one asking them to cease noise after a certain time. Sits in clubhouse on Sunday nights and cannot hear shooting right on the site. People are against the club. What is a couple more hours in the summer on a Wednesday night?

Jeffrey Hall – 2110 Tower Road – Owns land short distance from gun club. Also on Town's ZBA and a member of the gun club. Knows a lot about gun safety; Vietnam vet and 29 years with NYS Police. Board needs to understand club rules. Members can show up any day, any time, and shoot. Sounds of shooting are "ear shattering." This affects property values. Not all club members are responsible. No range supervisor there to make sure they are a member, their gun is safe and operable, safety equipment is used, and shooting is in safe direction. City Officer has been shot at some other range and is in wheelchair for life. Not against shooting. Owns guns. Shoots all the time. This club should only be allowed to shoot five days a week; two days we should have peace and quiet. Restrict all shooting to the south. No shooting after sunset. Any house within 500 feet should have assessment dropped 30%. Opposes extension of gun club hours.

John Morse – 2940 Clute Road – 80-90-foot tall pines where people are shooting, which is toward State land. Nobody comes to the Club to complain about anything. Lots of misrepresentation given here. Half of what's said isn't true.

Nancy Truman – 2524 Stafford Road – Still has same concerns she had last month: there's lots of shooting seven days per week. She's retired, as is her husband, but cannot relax at their home because of all the shooting. Should have no shooting after dark. Need peace and quiet in our homes. Happy that club is up and running; limitations are needed within neighborhood/community. Would like club to operate five days a week so there would be two days of peace and quiet. Against extending the hours.

Paul Slowey – 2641 Clute Road – Member of club. We teach responsibility. Hunter training classes fill up within hours. Have 600+ members; majority from Virgil. Racetrack is there putting wear and tear on roads (should have special tax on that for road upkeep), it's noisy, but we put up with it. Key is responsibility. Lots of self-policing going on. Deer season finds shooting at 4 a.m. Supports extending hours.

Kathleen Eastman – 2769 Clute Road – Addressed members of gun club. Very happy about training, but need peace and quiet too. Nothing against the gun club. Has horses. Races are one night a week. No longer rides horse across the road. Come sit on her deck; it's not quiet. People should talk about this. Against extending hours.

Duane Eastman – 2769 Clute Road – Gun club is good thing, but shouldn't be shooting after dark. Has no issue with sun-up to sundown. Has issue with policing; three nights last week there was shooting after dark. Couple sounded like automatic weapons which seemed obvious. Like to see it policed better. Racetrack is one day a week, not every day.

Sam Morse – Response – Only want to shoot after dark one night a week, only until 8 p.m.

Walt Nichols – 2666 Clute Road – Has no problem with lights up there. In favor of extending hours.

Bert Warner (?) – name not on Attendance Sheet – Shoots trap up there. By time he gets home from work and up to club it's 5:30 or 5:45 p.m. Should have one hour or an hour and a half for "working guys" to go up there and have a good time. In favor of extending hours.

Celestine Hall – 2110 Tower Road – Against night shooting. Shooting sounds like it's next door when there's a south wind; can even hear people speaking. Has no problem with gun club itself; it's a good idea. Not policing themselves very well. People do need their peace and quiet. Houses are an investment.....our sanctuary.

Britt Morse – 1948 Daisy Hollow Road – Was the Blodgett Mills Rod & Gun Club ever permanently closed? If not, when they took it over, it should not have changed any of the rules. Doesn't think it was ever permanently closed. Is there a noise ordinance in the Town? Members should police themselves and be responsible for their actions.

Kathryn Minervini – 2727 W. River Road – People expressing their own frustration with increased membership and use which generates a lot more noise. For her household it's mental health issue. This is the last straw. Animals are disturbed, especially after dark. Has horses. Please don't let them extend any more hours.

Pat Carrier – 2826 Snyder Hill Road – Bought in the area because they knew gun club was nearby. They no racetrack is there; have no problem with it. Doesn't bother us to have gun club there. Nothing negative to say. It's a great place and they've brought a lot into the community.

Dan Armitage – 836 Hilsinger Road - Marathon – We're talking about an hour and a half, one day a week; Board needs to focus on that. Regarding policing, that's how it works in all gun clubs. Good club with over 600 members, not all Town residents. Our club is here, not in Dryden. Focus on what's being asked tonight. This club is very friendly, very self policing, with a very good learning environment. Please give an hour and a half, one day a week. In favor of extending hours.

Russell T. Ransom – 2895 Clute Road – Regarding noise ordinance, if any, need to treat everybody the same—shooting, racetrack, snowmaking at Greek Peak, cannons fired to scare birds out of farmers' crops, etc. Shooting doesn't bother me. Racetrack drives him "insane." Okay to expand the hours.

Tad Murray – 14 Bellrose Avenue - Cortland – There's technology out there to make guns quieter in form of legislation. Please support that.

Paul Slowey – 2641 Clute Road – Town has a separate noise ordinance passed when he was on the Town Board. (Attorney Snyder asked CEO Umbehauer to look this up.)

Sam Morse – 2940 Clute Road – Gunshots were heard Friday night at 7:30, but they were not from the club. Around 4 p.m., same day, very loud gunfire was heard from the opposite side of Clute Road, not from the club.

Ron Smith – Cincinnatus, NY – Club member. If anyone caught shooting after hours at the club, they would be reported to the Board who would take care of the problem.

Jeffrey Hall – 2110 Tower Road - Gun club’s done a lot for the community. Wants club to shoot five days a week, 260 times a year, or 3100 hours. Make it no shooting either Saturday or Sunday and one other day.

Randy Greene – Clute Road – Lives close by. Doesn’t like the gun club.

Jeff Stewart – 2472 Stafford Road – Club’s looking to expand from 5 to 8 p.m., which is more than 1.5 hours. Already have all day, even on weekends. That’s enough. No notice that someone’s there and they are about to shoot. Can’t help but duck. Windows rattle. We’re affected by gun club. No one has spoken tonight about shutting it down, but at night-time we deserve some peace and quiet.

Jim Corl (not on Attendance Sheet) – Belongs to several clubs. Member here. Never had any problems.

Celestine Hall – 2110 Tower Road - Asked “What are the explosions?” Member Mark Baranello responded that “shock grenades” were mentioned associated with police practice, but was not sure.

**With everyone heard who wished to be heard, Chairman Breed closed the Public Hearing at 8:08 p.m.**

**REGULAR MEETING**

**The Regular Meeting of the Town of Virgil Planning Board was called to order by Chairman Jeffrey Breed at 8:09 p.m.**

**OLD BUSINESS – NONE**

**NEW BUSINESS**

**Douglas Marose, Applicant/Reputed Owner – 2272 US Route 11 – TM #128.00-01-05.000 – Minor Subdivision of Land**

Chairman Breed recognized Renee Decker, representing the applicant (her son) who was seeking approval to subdivide his 87±-acre property, as shown on the accompanying aerial photo, one piece of 80± A. containing the existing house/garage, and one piece of 7± acres containing a barn (already containing an apartment) which will be converted into a residence. Lot requirements are met. There’s only one well on the property, and she asked if they’d have to install a second well, or could they share it. This would be up to the Health Department.

Chairman Breed acknowledged receipt of a 1 February 2017 memo from the Cortland County Planning Department stating that the request was technically adequate and had no State- or County-wide impact; therefore it was being returned to this Board for local determination.

At the request of the Chairman, the Board Secretary read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. **A motion was then made by Member Lathrop that the action, based on the information submitted, will not cause any significant adverse environmental impact, resulting in a Negative Declaration. The motion was seconded by Member Ann Howe, with the vote recorded as follows:**

**Ayes: Chair Breed  
Member Baranello  
Member Lathrop  
Member Howe  
Alternate Member Taylor**  
**Nays: None**  
**Absent: Member Wood**

**Motion carried.**

**This becomes Action #6 of 2017.**

Member Baranello reviewed all of the requirements. At the conclusion of the review, **a motion was made by Member Baranello to approve the Minor Subdivision of land, as requested, contingent upon submittal of the required survey maps and approval of the onsite sewer and water systems by the Cortland County Health Department. The motion was seconded by Member Howe, with the vote recorded as follows:**

**Ayes: Chair Breed  
Member Baranello  
Member Lathrop  
Member Howe  
Alternate Member Taylor**  
**Nays: None**  
**Absent: Member Wood**

**Motion carried.**

**This becomes Action #7 of 2017.**

**Estate of David L. Ford, Applicant/Reputed Owner – 1578 & 1592 NYS Route 392 – TM #128.00-11-17.000 – Minor Subdivision of Land**

It is noted for the record that this application was withdrawn by the applicant’s attorney to be considered at a later date.

**No Action Required.**

**John & Sheila Morse, Applicants/Reputed Owners – 2416 Stafford Road – TM #119.00-01-27.100 – Site Plan Review – Extended Evening Operating Hours**

Member Baranello stated that what was being requested was specific. Mrs. Morse reiterated what exactly was being requested. Extended hours would be supervised. Member Howe asked CEO Umbehauer how he would handle any violations to be issued to the club, and he responded he would have to observe it himself.

Town Attorney Snyder suggested to the Board that they may want to take more time to investigate the statements made at tonight’s public hearing. Member Lathrop reminded the Board that the question before them was simply extending the hours as requested by the applicant. Member Howe commented that she did not think the hours should be extended; the lives of the people in the area are more important than trap shooting. The club did receive a use variance to operate as a gun club on 23 March 2015. Chairman Breed stated this was a noise issue.

The Board commented that this was a give and take issue. Everyone should get together and come up with a reasonable compromise. Mrs. Morse stated that they could provide a range safety officer. Member Baranello would like to see how things would go for a short period of time.

At the conclusion of a lengthy discussion, **a motion was made by Alternate Member Dale Taylor to deny the Site Plan Review for the proposed extension of shooting hours requested. The motion was seconded by Member Howe, with the vote recorded as follows:**

**Ayes: Member Baranello                      Nays: Chairman Breed  
Member Lathrop  
Member Howe                                  Absent: Member Wood  
Alternate Member Taylor**

**Motion carried.**

**This becomes Action #8 of 2017.**

**APPROVAL OF MINUTES – 23 JANUARY 2017**

**A motion was made by Member Howe to approve the Minutes of the 23 January 2017 Planning Board meeting, as submitted. The motion was seconded by Alternate Member Taylor, with the vote recorded as follows:**

**Ayes: Chair Breed                              Nays: None  
Member Baranello  
Member Lathrop                              Absent: Member Wood  
Member Howe  
Alternate Member Taylor**

**Motion carried.**

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

**ADJOURNMENT**

At 9 p.m., a motion was made by Alternate Member Taylor, seconded by Member Baranello, to adjourn the meeting. All Board members present voted in the affirmative.

  
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Joan E. Fitch  
Planning Board Secretary

Emailed to Town Supv., Clerk, Atty., CEO, PB  
Members & Co. Planning on 3/27/17.

Attachment A (12 pgs.)