

TOWN OF VIRGIL ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Monday, 8 July 2015 – 6 PM
Town Hall Meeting Room - Virgil, Cortland County, NY

Board Members

Mary Beth Wright, Chair
*Jeannine Sprague
Linda Edwards
John Coulter
*Sheila Morse
Jeffrey Hall, Alternate

(*absent)

Others Present

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

Public Present

Jeffrey H. Smith for Estate of David H. Smith, Appellant; Gary L. Wood, Town Planning Board Member.

At 6 p.m., Board Secretary Fitch read aloud the Public Hearing notice as published in the 2 July 2015 issue of the *Cortland Standard*. Proof of Publication has been placed on file for the record.

PUBLIC HEARING

Jeffrey H. Smith, Appellant/Estate of David H. Smith, Reputed Owner – 2313 Carson Road – TM #127.00-02-25.000 – Lot With Road Frontage Less Than Allowed

Chairperson Mary Beth Wright recognized Jeffrey Smith, representing the David Smith Estate (as indicated in a letter dated 27 May 2015 from Susan Matatavage, Executrix of the Estate to Town CEO Craig Umbehauer) who explained that the Estate was seeking an area variance to split this parcel, as shown on the accompanying aerial photos, selling the house portion. The lot created does not have the required 350 feet of road frontage. The remaining parcel would be retained by the three heirs who do not wish to sell the entire parcel.

Mr. Smith's SEAF description stated: *“Minor Subdivision to adjoin 50 ft. by 400 ft. of Parcel 127.00-02-24.12 to Parcel 127.00-02-25. Parcel 127.00-02-25 then will be divided to approx.. a 3-acre lot with house at 2313 to b sold. The remaining 2.5± A. of Parcel 127.00-02-25 will then remain contingent to Parcel 127.00-02-24.12, preventing any parcel from being landlocked.”*

CEO Craig Umbehauer explained that the Estate, represented by Jeffrey Smith, had requested approval of the subdivision at a previous Planning Board meeting, only to discover that an area variance would be required for the lot having less than the required road frontage.

With everyone wishing to be heard having been heard, Chair Wright closed the Public Hearing at 6:13 p.m.

DISCUSSION/DECISION

Town Attorney Patrick Snyder advised that completion of Part II of the Short Environmental Assessment Form was not required in this case.

Chair Wright acknowledged receipt of a 9 June 2015 Memo from Dan Dineen, Cortland County Director of Planning, recommending approval of the requested variance, with a contingency regarding the consolidation of an adjacent parcel. This memo has been placed on file for the record.

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 (Members Coulter and Edwards). Yes (Chair Wright and Alternate Member Hall). Tied.
3. Is the variance substantial?
Finding: Yes. All Board members present agreed.
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: Yes (Wright, Edwards, Hall). No (Coulter).

At the conclusion of a brief discussion, a motion was made by Member Coulter to grant the requested area variance for road frontage less than allowed, as requested. The motion was seconded by Member Edwards, with the vote recorded as follows:

Ayes: Member Coulter	Nays: Chair Wright
Member Edwards	Alternate Member Hall

Motion not carried.

This becomes Action #7 of 2015.

Board Members then discussed consolidation of the parcel(s).

At the conclusion of this discussion, a motion was made by Chair Wright to grant the area variance for road frontage less than allowed, contingent upon the 2.24±-acre parcel being combined with the 22±-acre lot to the north. The motion was seconded by Member Edwards, with the vote recorded as follows:

Ayes: Chair Wright	Nays: None
Member Edwards	
Member Coulter	
Alternate Member Hall	

Motion carried.

This becomes Action #8 of 2015.

APPROVAL OF MINUTES – 18 MAY 2015

A motion was made by Member Edwards to approve the Minutes of the 18 May 2015 Town of Virgil ZBA meeting, as submitted. The motion was seconded by Member Coulter, with the vote recorded as follows:

Ayes: Chair Wright	Nays: None
Member Sprague	Abstain: Member Hall
Member Edwards	Absent: Member Coulter
	Recused: Member Morse

Motion carried.

This becomes Action #9 of 2015.

ADJOURNMENT

A motion was made at 6:32 p.m. by Member Coulter to adjourn the meeting, seconded by Member Edwards, 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 8/19/15.