

TOWN OF VIRGIL ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Monday, 28 November 2016 – 6 PM
Town Hall Meeting Room - Virgil, Cortland County, NY

Board Members

Jeannine Sprague, Chair
*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

Robert Palmer, Appellant; Daniel Klessig.

Robert Palmer, Appellant/Joyce Sherman, Reputed Owner – 2727 South Cortland-Virgil Road – TM #115.00-14-05.100 – Road Frontage Less Than Allowed

It is noted for the record that a Public Hearing on this appeal was held and closed on 24 October 2016 at 6 p.m. The Discussion/Decision portion of this appeal was postponed until this date, as recorded in those Minutes; reference is made thereto.

DISCUSSION/DECISION

Member Sheila Morse asked about existing building setbacks. Mr. Palmer responded that he thought it was about 20 feet and 30 feet is required. Dan Klessig, the proposed buyer, explained the layout of the property and its history. Alternatives for the lot configurations were discussed. Member Steve Terwilliger added that the “road” shown on the aerial photo is still, legally, a Town road. At the conclusion of this discussion, Mr. Klessig agreed to make one lot legal, having 350 feet of road frontage. A variance was still required, however, to have the other lot with a road frontage of 131 feet.

Chair Sprague acknowledged receipt of the memo from the Cortland County Planning Department, a copy of which has been placed on file for the record.

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.

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. All Board members present agreed.

3. Is the variance substantial?

Finding: Yes, it’s substantial. All agreed.

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

Finding: No (Sprague, Coulter, Morse, Terwilliger). Yes (Hall).

5. Has there been any self-created difficulty?

Finding: No. No (Sprague, Coulter, Morse, Terwilliger). Yes (Hall).

With no further discussion, a motion was made by Member Morse to grant the area variance for road frontage less than allowed (131± feet) on the larger parcel, with the subdivided lot (3.3± A.) to have conforming road frontage (350 ft.). The motion was seconded by Member Coulter, with the vote recorded as follows:

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

Motion carried.

This becomes Action #10 of 2016.

APPROVAL OF MINUTES – 24 OCTOBER 2016

A motion was made by Member Sheila Morse to approve the Minutes of the 24 October 2016 meeting of this Board, as submitted. The motion was seconded by Member Hall, with the vote recorded as follows:

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

Motion carried.

This becomes Action #11 of 2016.

ADJOURNMENT

A motion was made at 6:22 p.m. by Member Morse to adjourn the meeting, seconded by Member Coulter, 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 2/15/17.