

TOWN OF VIRGIL ZONING BOARD OF APPEALS
Public Hearing/Meeting Minutes - Monday, 18 May 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

Thomas & Catherine Hischak, Applicants; Carole Lathrop, Town Planning Board Member.

At 6 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

Thomas & Catherine Hischak, Applicants/Reputed Owners – 2968 NYS Route 215 – TM #106.00-01-05.12 – Road Frontage & Lot Size Less Than Allowed

Chairperson Mary Beth Wright recognized the appellants who were seeking an area variance to allow for a lot smaller than allowed, and road frontage less than allowed. The Hischaks want to subdivide their property as shown on the sketch map accompanying the application and as stated in their submitted narrative. In so doing, the required lot frontage of 350 feet is short by 46± feet, with each lot containing less acreage than required.

Chair Wright asked if there was anyone present who wished to speak regarding the area variance request; there was no one.

With everyone wishing to be heard having been heard, Chair Wright closed the Public Hearing at 6:15 p.m.

DISCUSSION/DECISION

Chair Wright acknowledged receipt of the Cortland County Planning Department's Memo of 4 May 2015, returning the application for local determination.

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

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: No (Wright, Morse, Edwards, Coulter). Yes (Sprague).

- 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 (Wright, Morse, Edwards, Coulter). Yes (Wright).

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

**Ayes: Member Morse
Member Coulter**

**Nays: Chair Wright
Member Sprague
Member Edwards**

Motion not carried.

This becomes Action #4 of 2015.

At the conclusion of another discussion, a motion was made by Member Sprague to grant the requested variance for road frontage less than allowed, with the minimum lot size to be three acres. The motion was seconded by Member Edwards, with the vote recorded as follows:

**Ayes: Chair Wright
Member Sprague
Member Edwards**

**Nays: Member Morse
Member Coulter**

Motion carried.

This becomes Action #5 of 2015.

APPROVAL OF MINUTES – 23 MARCH 2015

After a brief discussion, a motion was made by Member Sprague to approve the Minutes of the 23 March 2015 Town of Virgil ZBA meeting, as corrected (page 1, 5th para. Under Public Hearing, insert the word “for” after “apply” and before “license” in Line 2, and on page 2 under Rick McMullin, 4th line, change the word “less” to read “more.”) The motion was seconded by Member Edwards, with the vote recorded as follows:

**Ayes: Chair Wright
Member Sprague
Member Edwards
Member Morse
Member Coulter**

Nays: None

Motion carried.

This becomes Action #6 of 2015.

ADJOURNMENT

A motion was made at 6:25 p.m. by Member Sprague 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.