

TOWN OF VIRGIL ZONING BOARD OF APPEALS
Meeting Minutes - Monday, 25 August 2014 – 6 PM
Town Hall Meeting Room - Virgil, Cortland County, NY

Board Members

Mary Beth Wright, Chair
*Jeannine Sprague
Linda Edwards
John Coulter
Sheila Morse
Niels Schulz, Alternate

(*absent)

Others Present

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

Public Present

Steve Terwilliger & Attorney Meira Hertzberg for Empress Devmt., Applicant; James Forshee, Mark Gleason, Town Board Member Jereme Stiles.

Empress Development Corp., Applicant/Steven Terwilliger, Reputed Owner – 2964 Webb Road – TM #105.00-09-09.000 – Sign Larger than Allowed – cont’d.

At 6:02 p.m., Chair Mary Beth Wright opened the continuation of this appeal from 28 July 2014, at which time the Public Hearing was held and closed, and the requested variance was neither approved nor disapproved (tie vote). Upon the advice of Town Attorney Patrick Snyder, the Board decided to postpone the matter and take another vote at this meeting. Reference is made to those Minutes for additional information.

DISCUSSION/DECISION/RE-VOTE

Chairperson Mary Beth Wright stated that the Board had received three documents from the applicant’s attorney, Meira Hertzberg, just this past Friday, so has not had a chance to review them (“Zoning & Planning Law Report, Vol. 31, No. 8, September 2008; USSC “Sign Legibility Rules of Thumb”; Signline Issue Fifty One of 2007, copies of which have been placed on file for the record).

Member John Coulter commented on the letter from Mirabito, his discussion with Sunoco, and his inability to obtain a copy of the contract that specified the signage. Steve Terwilliger displayed numerous sign photos taken of Town of Virgil businesses whose signs, he stated, were all non-conforming. He also showed a photo depicting what the proposed sign would look like at his gas station if it met the Town’s Code.

Attorney Hertzberg commented that she had never seen the “balancing test” (conducted at the previous meeting) done the way that this Board did it. She then addressed the sign contract and read from a portion of same. At the close of her comments Chair Wright showed those present the 35.72 SF sign that was being requested, with a maximum height of 10 feet, as shown on a 5/13/14 drawing submitted.

Chair Wright recognized James Forshee who asked if the height of signs is restricted in the Town Code. She responded that they were.

At the conclusion of an extensive discussion, a motion was made by Member Sheila Morse to grant the variance to allow for a sign with a maximum of 35.72 SF and a height of 10 feet, as shown on the 5/13/14 drawing submitted. The motion was seconded by Alternate Member Niels Schulz, with the vote recorded as follows:

Ayes:	Chair Wright	Nays:	Member Coulter
	Member Morse		
	Member Edwards	Absent:	Member Sprague
	Alternate Member Schulz		

Motion carried.

This becomes Action #16 of 2014.

APPROVAL OF MINUTES – 28 JULY 2014

A motion was made by Member Morse to approve the Minutes of the 28 July 2014 Town of Virgil ZBA meeting, as submitted. The motion was seconded by Member Linda Edwards, with the vote recorded as follows:

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

Motion carried.

This becomes Action #16 of 2014.

ADJOURNMENT

A motion was made at 6:35 p.m. by Member Coulter to adjourn the meeting, seconded by Member Morse, 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 10/27/14.