

**TOWN OF VIRGIL PLANNING BOARD**  
**Minutes of Regular Meeting - Monday, 22 June 2015 - 7 PM**  
**Town Hall - 1176 Church Street - Virgil, NY 13045**

**Board Members** (\*absent)

Jeffrey Breed, Chairman  
Gary Wood  
Carole Lathrop  
\*Dawn Willis  
Ann Howe  
\*Mark Baranello, Alternate

**Others Present**

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

**Applicants & Public Present**

Evan Hayes, Applicant; Jeffrey Smith, Applicant; Cynthia Bush, Bennie Bush, Bill Hayes.

**REGULAR MEETING**

The Regular Meeting of the Town of Virgil Planning Board was called to order by Chairman Jeffrey Breed at 7 p.m.

**OLD BUSINESS - NONE**

**NEW BUSINESS**

**Evan M. Hayes, Applicant/Reputed Owner - 2277 Holler Road - TM #126.00-11-06.200 - Proposed Minor Subdivision**

Chairman Breed recognized the applicant who was seeking approval to subdivide a 15.3±-acre lot into two parcels of 11± and 4.3± acres as shown on a portion of a survey map accompanying the application. As described in his letter of 5 May 2015, also attached to the application, Mr. Hayes is proposing to sell the 11±-acre parcel to his adjacent neighbor who will, in turn, add it to his existing property.

Chairman Breed acknowledged receipt of a staff report (dated 9 June 2015) from the Cortland County Planning Department, recommending the consolidation of the 11±-acre parcel to avoid the created parcel from being landlocked. Otherwise, the request is technically adequate, and was being returned to the Town for local determination.

The Board completed their portion of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part 2. Therefore, **a motion was made by Member Carole 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:**

<b>Ayes:</b> Chair Breed	<b>Nays:</b> None
Member Wood	
Member Lathrop	
Member Howe	<b>Absent:</b> Member Willis
	Alternate Member Baranello

**Motion carried.**

**This becomes Action #20 of 2015.**

A motion was then made by Member Ann Howe to approve the Minor Two-Lot Subdivision, as requested, incorporating the Cortland County Planning Department's recommendations contained in their memo dated 9 June 2015 that "since the proposed 10.983± A. parcel would be landlocked, it shall be consolidated with the adjacent tax map parcels #126.00-11-07.000 and 126.00-11-08.000, if possible. Proof of consolidation shall be provided to the Town Code Enforcement Officer. If parcels cannot be consolidated as one tax map parcel,

**the owner shall agree that no applications will be made for residential building permits on such parcel.” The motion was seconded by Member Wood, with the vote recorded as follows:**

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

**Motion carried.**

**This becomes Action #21 of 2015.**

**Jeffrey Smith, Applicant/Estate of David H. Smith, Reputed Owner – 2313 Carson Road – TM #127.00-02-25.000 – Minor Subdivision of Land**

Chairman Breed acknowledged receipt of a letter from Estate Executrix authorizing Jeffrey Smith to pursue this subdivision on behalf of the heirs. The letter, dated 27 May 2015 has been placed on file for the record.

Chairman Breed recognized Mr. Smith who explained the subdivision on the SEAF, as follows: “Minor Subdivision to combine 50’ x 400’ of parcel #127.00-02-24.12 with parcel #127.00-02-25.000 which would then be divided into an approximate 3±-acre lot with the house at 2313 Carson Road to be sold. The remaining acreage of #127.00-02-25.000 will remain contingent to #127.00-02-24.12, preventing any parcel from being landlocked.” Reference the survey map attached to the application for the division of the 5±-acre subject parcel.

After reviewing the proposed division of this parcel, Member Gary Wood noted that the created parcel was non-conforming in that it did not have the required road frontage. Town Attorney Patrick Snyder advised the applicant that he may have to get an area variance from the Town’s Zoning Board of Appeals in order to have a lot with less road frontage than allowed. CEO Craig Umbehauer noted he had missed this fact in his initial review. Member Wood stated that there was currently a “For Sale” sign on the property. Member Carole Lathrop commented that the simplest solution was to obtain the area variance.

After a brief discussion, **a motion was made by Member Wood to refer this application for a Minor Subdivision to the (T)Virgil Zoning Board of Appeals for an area variance. The motion was seconded by Member Howe, with the vote recorded as follows:**

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

**Motion carried.**

**This becomes Action #22 of 2015.**

**APPROVAL OF MINUTES – 18 MAY 2015**

**A motion was made by Member Lathrop to approve the Minutes of the 18 May 2015 Planning Board meeting, as submitted. The motion was seconded by Member Howe, with the vote recorded as follows:**

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

**Motion carried.**

**This becomes Action #23 of 2015.**

**APPROVAL OF MINUTES – 1 JUNE 2015**

A motion was made by Member Howe to approve the Minutes of the 1 June 2015 Special Planning Board meeting, as submitted. The motion was seconded by Member Wood, with the vote recorded as follows:

**Ayes:** Chair Breed  
Member Wood  
Member Lathrop  
Member Howe

**Nays:** None  
**Absent:** Member Willis  
Alternate Member Baranello

Motion carried.

**This becomes Action #24 of 2015.**

**ADJOURNMENT**

At 7:55 p.m., a motion was made by Member Wood, seconded by Member Lathrop, to adjourn the meeting. All Board members present voted in the affirmative.



Joan E. Fitch  
Planning Board Secretary

Emailed to Town Supv., Clerk, Atty., CEO, PB  
Members & Co. Planning on 7/27/15.