

TOWN OF VIRGIL PLANNING BOARD
Minutes of Public Hearing & Regular Meeting - Monday, 27 March 2017 - 7 PM
Town Hall - 1176 Church Street - Virgil, NY 13045

Board Members (*absent)

Jeffrey Breed, Chairman
Gary Wood
Carole Lathrop
Ann Howe
Mark Baranello
Dale Taylor, Alternate

Others Present

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

Applicants & Public Present

Attorney Mike Shafer for David Ford Estate, Applicant; Robbyn Simons, Applicant.

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

Estate of David L. Ford, Applicant/Reputed Owner - 1578 & 1592 NYS Route 392 - TM #128.00-11-17.000 - Minor Subdivision of Land

Chairman Breed recognized Attorney Mike Shafer, representing the Estate of David L. Ford. The subject property contained two residences and outbuildings, as shown on the survey map prepared by Denkenberger Surveying on 6/30/16 accompanying the application. An area variance for road frontage less than allowed and for a side yard setback was granted at the ZBA meeting held immediately before this meeting.

Attorney Shafer explained that the property was to be split to separate the two residences. He informed the Planning Board that the requested variance was granted with the condition that the subject property be brought up to the Town of Virgil Zoning Law, and receipt of proof from the Cortland County Health Department that there is a satisfactory water well and septic system on each proposed site.

Access to the adjacent abandoned cemetery lot was discussed. Member Gary Wood thought that the Town was obligated to mow it at least twice a year. CEO Umbehauer stated there could be some sort of an easement contained in the Abstract someplace, and that the cemetery has been abandoned for quite some time.

At the request of the Chairman, the Board Secretary read aloud Part II of the Short Environmental Assessment Form. Negative responses were obtained to all questions in Part II. **A motion was then made by Member Mark Baranello 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 Wood, with the vote recorded as follows:**

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

Nays: None

Motion carried.

This becomes Action #10 of 2017.

Chairman Breed acknowledged receipt of a 2 February 2017 memo from the Cortland County Planning Department, Dan Dineen, Director of Planning. The memo advised that their staff had determined that the request was technically adequate and had no State- or County-wide impact; therefore, it was being returned for final determination. A copy of this memo has been placed on file for the record.

Town Attorney Patrick Snyder, regarding access to the adjacent cemeter, stated that he did not believe this Board had the right to force access in one way or another, but it would be better if the survey map at least identified where access was provided for mowing. Attorney Shafer stated he would ascertain the answer to that if he could and have it put on the survey map.

At the conclusion of the discussion, **a motion was made by Member Wood to approve the Minor Subdivision of land, as requested, contingent upon conformance of the property to the Town of Virgil Zoning Law, and proof provided by the Cortland County Health Department that there are satisfactory water and septic utilities on each proposed lot. The motion was seconded by Member Ann Howe, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #11 of 2017.

NEW BUSINESS

Robbyn Simons, Applicant/Reputed Owner – 2806 Page Green Road – TM #117.00-06-06.000 – Conditional Permit to House Horses Onsite

(Note: This application was added to the Agenda after it had been published.)

Chairman Breed recognized the applicant who explained that she was seeking a Conditional Permit to keep horses on 2 acres of her 3-acre property. She presently has three horses but, in the future, would like to have four. The barn to house them in is existing and, she stated, a contractor will build new stalls. Member Howe asked about fencing, and Ms. Simons explained that the fence (electric w/metal posts) would be set back about 70 feet to allow the front to be used for riding. No barbed wire will be utilized. She also stated she had spoken with her neighbors who had no objection to the horses.

Member Howe asked if she planned on other animals, and Ms. Simons responded that she may like to have a small goat in the future.

At the conclusion of the discussion, **a motion was made by Member Howe to set a Public Hearing for 7 p.m. on 24 April 2017 for the proposed Conditional Permit to house horses onsite. The motion was seconded by Member Wood, with the vote recorded as follows:**

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

Motion carried.

This becomes Action #12 of 2017.

OTHER BUSINESS

- Member Howe advised that she recently attended a workshop regarding solar systems along with Member Taylor and Chairman Breed, and gave out packets to be given to those members who did not attend.
- Alternate Member Dale Taylor reported that there will be a public hearing on the Town's Local Law #1 of 2017 at the next Town Board meeting.
- CEO Umbehauer reminded everyone of a revision to be made regarding some exemption for small wattage use (electric fences, etc.). Input from everyone welcome.

ADJOURNMENT

At 7:50 p.m., a motion was made by Member Baranello, seconded by Member Wood, 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 4/24/17.