

TOWN OF VIRGIL ZONING BOARD OF APPEALS
Public Hearings/Meeting Minutes - Monday, 24 August 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

Jereme Stiles, Applicant; Patricia Allen, Applicant; Blake Allen, Paul Allen; Carole Lathrop, Town Planning Board Member.

At 6:02 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 #1

Jereme A. Stiles, Appellant/Reputed Owner - 752/762 West State Road - TM #115.00-09-02.000 - Lot Size & Road Frontage Less Than Allowed

Chairperson Mary Beth Wright recognized Jereme Stiles who explained that he wanted to purchase the 5.21±-acre subject property that is improved with two houses, which is non-conforming to the current Code. He was seeking to subdivide it into two tax parcels to make it conforming, but in doing so the required lot size and road frontage was less than allowed (3 A. for a lot/350 ft. road frontage). Each residence has its own septic system and well; Cortland County Health Department certifications were provided by the appellant. In order for him to move forward with the purchase, the property would have to be separated into two parcels, as requested by his bank.

CEO Craig Umbehauer stated that he had talked with County Planning Director Dan Dineen who verified that the two septic systems had to be on the appropriate lots. Mr. Stiles stated he had checked with the Highway Department regarding adding another driveway into one of the properties and they had no problem with it.

Chair Wright asked if there was anyone from the public who wished to speak on this 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

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

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.

3. Is the variance substantial?

Finding: Yes. All Board members present agreed.

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

Chair Wright acknowledged receipt of a memo from the Cortland County Planning Department (dated 8/19/15) stating that the subdivision request was technically adequate and had no State- or County-wide impact, but the applicant must show that both lots would have separate individual private wells; therefore, it was being returned for local determination.

At the conclusion of a brief discussion, a motion was made by Member Sheila Morse that, taking into consideration the five findings considered in the “balancing test,” the (T) Virgil ZBA has determined that the benefit to the applicant outweighs the detriment to the neighborhood/community, and grants the area variance for road frontage and lot size less than allowed, as requested, with each parcel to have its own septic system and water supply. The motion was seconded by Member John Coulter, with the vote recorded as follows:

<p>Ayes: Chair Wright Member Sprague Member Edwards Member Coulter Member Morse</p>	<p>Nays: None</p>
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Motion carried.

This becomes Action #10 of 2015.

PUBLIC HEARING #2

Patricia A. Allen, Appellant/Reputed Owner – 2240 Gee Hill Road – TM #125.00-03-07.000 – Road Frontage Less Than Allowed

(It is noted for the record that ZBA Chair Wright recused herself from this appeal and took a seat in the audience. Alternate Member Jeff Hall assumed a seat on the Board.)

Acting Chairperson Jeannine Sprague recognized the applicant who explained that she wanted to separate the existing house from the land as shown on the annotated aerial photo accompanying the application. She stated that the residence was constructed in 1972 and has always contained less than the presently required 350 feet of road frontage. The proposed lot size would be approximately 1.85 acres out of the entire 17.46± acre parcel. If road frontage was changed, there was no place for a driveway. The width-to-depth ration was also discussed. Board members questioned the appellant and her son, Paul Allen, regarding alternatives. Mr. Allen stated that they would be able to do 2.4 A., instead of the 1.85. Alternate Member Jeff Hall suggested going with 2.5 acres just to be safe.

Acting Chair Sprague acknowledged receipt of the 19 August 2015 memo from County Planning Director Dan Dineen, who advised that the request was technically adequate and had no State- or County-wide impact; therefore, it was being returned for local determination.

Acting Chair Sprague asked if there was anyone from the public who wished to speak on this variance request; there was no one.

With everyone wishing to be heard having been heard, Chair Wright closed the Public Hearing at 6:30 p.m.

DISCUSSION/DECISION

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

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: Yes (Sprague). No (Coulter, Morse, Edwards, Hall).
3. Is the variance substantial?
Finding: Yes (Sprague, Coulter, Edwards, Morse). No (Hall).
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: Yes (Coulter, Edwards, Hall, Morse). No (Sprague).

At the conclusion of their discussion, a motion was made by Member Morse that, taking into consideration the five findings considered in the “balancing test,” the (T) Virgil ZBA has determined that the benefit to the applicant outweighs the detriment to the neighborhood/community, and grants the area variance conditioned upon the lot having a minimum of 2.4 acres and a minimum road frontage of 225 feet, with each parcel to have its own septic system and water supply. The motion was seconded by Member John Coulter, with the vote recorded as follows:

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

Motion carried.

This becomes Action #11 of 2015.

(It is noted for the record that Chair Wright resumed her seat on the Board, with Alternate Member Hall returning to the audience.)

APPROVAL OF MINUTES – 8 JULY 2015

A motion was made by Member Edwards to approve the Minutes of the 8 July 2015 Town of Virgil ZBA meeting, as corrected (Member Morse was absent). The motion was seconded by Member Morse, with the vote recorded as follows:

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

Motion carried.

This becomes Action #12 of 2015.

ADJOURNMENT

A motion was made at 6:53 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 9/28/15.
Rev. 9/29/15 & re-sent.