

Minutes for the Town of Preble Zoning Board of Appeal February 4, 2010. Members present were; Chairman Daniel O'Shea, Rudy Kobelia, Bob Lieber, Kay Vossler and Bill Underwood.

Town Supervisor, Jim Doring and the Towns Attorney Francis Casullo were also present.

Board members discussed the possibility that Bill Underwood's term may be up.

RESOLUTION

Board member Bob Lieber motioned to approve the January 7, 2010 minutes as corrected and Rudy Kobelia seconded the motion.

Vote was;

Rudy Kobelia AYE

Bob Lieber AYE

Kay Vossler AYE

Bill Underwood AYE

Chairman O'Shea AYE

Motion carried.

Old business

The Andrew Kendall variance application.

Board members asked Mr. Kendall to review his plans with them. Mr. Kendall stated it was a private road and maintain privately, he stated he cannot afford to make the right-of-way a real town road as the Board has previously suggested. Chairman O'Shea stated that the law is the law and he can't give a variance on the law. Board discussed lot size, frontage and reviewed the maps with Mr. Kendall.

Mr. Kendall stated that he was before the board to find out if there was a chance or a legal statue to grant a variance. Chairman O'Shea stated the issue is that people will build there and expect the Town to take over the road, it opens the Town up to liability. As a right-of-way the Town cannot provide emergency services.

Attorney Francis Casullo stated that, the application is a four lot subdivision lot 1 and lot 2 have some frontage on Route 281, that would have to go before the Cortland County Planning Board and there are curve issues that would have to go before the State Highway Department. One problem is lot

three and lot four do not have frontage, you are asking to develop two lots on a private road.

The Town has no contract for Green Lakes Road. Should the board even get involved in writing or granting a variance on a private road?

Chairman Daniel O'Shea stated that the Town has not done that in over 10 years and the Town Board would not want Zoning Board to do that.

Mr. Kendall stated that he would proceed with its paperwork and come back next month when it is completed. Mr. Kendall is going to waive the timeline for the Board to take action. Board stated that this is not a complete application, therefore the timeline does not apply.

Mr. Kendall stated he has an updated survey filed with the County and wants to meet all the requirements of the Town of Preble and the County of Cortland.

Board discussed whether Mr. Kendall's proposed subdivision is a major or minor subdivision and that Mr. Kendall may be responsible to develop the road. Board reviewed subdivision regulations and stated that Mr. Kendall's subdivision would be considered a major subdivision. Mr. Kendall and the Board decided to table the application until it is complete. Mr. Kendall will come before the board on February 4, 2010 with a completed application.

RESOLUTION

Bob Lieber motion to adjourn and Kay Vossler seconded the motion, motion carried, vote was; Bob Lieber, AYE, Rudy Kobelia, AYE, Dan O'Shea, AYE, Bill Underwood, AYE and Kay Vossler, AYE

Meeting closed at 8:05 PM.

RESPECTIVELY,

Sharon Cassidy Flint