

Legal Notice Town of Preble

The Town of Preble Zoning Board of Appeals will hold 2 public hearings at their regular monthly meeting on April 1, 2010 at 7:30 PM., at the Preble Town hall.

The first Public hearing will be at 7:30 PM for a request for area set back variance by Linda Underwood, Tax map # 113600 7.00-01-09.200, property location 7612 Route 281, Town of Preble. Section 522-525 Town of Preble Zoning Ordinance.

The second public hearing will be held at 7:45 PM, for road frontage variances requested by Andrew G. Kendall, Tax map # 37.00-01-30.100 Section 522-525 of the Preble Zoning Ordinance.

All interested parties are invited to attend and will be heard.

RESPECTFULLY,

Sharon Cassidy Flint
SEC. ZBA / Planning Boards

Minutes for the Town of Preble Zoning Board of Appeals
April 1, 2010

Board members present were; Bill Underwood, K. Vossler, Rudy Kobelia, Bob Lieber and Chairman Dan O'Shea.

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

Old business

The public hearing for Linda Underwood.

Chairman O. Shea called the meeting to order at 7:30 PM and opened the public hearing. Applicant Linda Underwood explained that she wanted to construct another building on her property, the structure would be 40 ft x 42 ft., the structure would be 66 feet at one corner and 96 feet at the other corner from the center of the Road. Ms. Underwood explained that she could not move the structure further back due to the location of the Rail Road tracks. Attorney Francis Casullo asked Ms. Underwood how far from Route 281 would she be? Linda Underwood stated at least 50 feet away from the edge of Route 281, the new building lines up with her existing building. Chairman O. Shea asked for public comment, there was none. Chairman O'Shea closed the Underwood public hearing at 7:37 PM.

OLD business

The Andrew Kendall public hearing.

Chairman O'Shea open the Andrew Kendall public hearing at 7:38 PM. Attorney Chris Kendall took the floor and stated he spoke with the Town's attorney and reviewed the Cortland County Planning Departments recommendations.

Mr. Chris Kendall stated we need to find someone to do a PERK test and the Army Core of Engineers has stated there are wetlands in this area. Mr. Kendall asked to waive the timeline until they can address the Cortland County planning Department issues. Chairman O'Shea asked for public comments.

Arthur and Joanne Grinnell, neighbors of Mr. Andrew Kendall stated they would like detailed information on what Mr. Kendall's plans were for his property. Chairman O'Shea stated that Mr. Kendall has applied to subdivide his property into four lots.

Mr. Grinnell asked why is Mr. Kendall here for a variance from town law, and wants to know what the rules and changes are going to be? Attorney Chris Kendall, Mr. Grinnell and the planning Board reviewed Mr. Kendall's plans and maps. There were no other public comments. Chairman O'Shea closed the Kendall public hearing at 7:45 PM
RESOLUTION

Board member Bill Underwood motioned to waive the timeline until the next meeting on May 6, 2010 at 7:30 PM, Bob Lieber seconded the motion. Vote was;

Kay Vossler	AYE	
Rudy Kobelia	AYE	
Bill Underwood	AYE	
Bob Lieber	AYE	
Dan O'Shea	AYE	motion carried.

RESOLUTION

Board member Bob Lieber motion to declare a negative declaration for the Linda Underwood's area variance Rudy Kobelia seconded the motion.

Vote was;

Bill Underwood		Abstained
Bob Lieber	AYE	
Rudy Kobelia	AYE	
Kay Vossler	AYE	
Dan O'Shea	AYE	, motion carried.

FINDINGS;

Whereas; where as the proposed changes will not be a detriment to nearby properties were the neighborhood.

Where as; the proposed benefit sought by the applicant could not be achieved by a different reasonable method.

Where as; the area variance request is not substantial.

Where as; the proposed variance will have no adverse affect on the character or the environment of the neighborhood.

Where as; the difficulty was not self-created.

Where as; the proposed structure is no closer to the highway than the

existing structure.

Where as; the Cortland County planning Department has determined that there is no state or county impact.

Where as; SEQR was declared as a negative declaration.

RESOLUTION

Bob Lieber motioned to approve the Linda Underwood variance request and Rudy Kobelia seconded the motion.

Vote was;

Bill Underwood Abstained

Chairman Dan O'Shea AYE

Kay Vossler AYE

Bob Lieber AYE

Rudy Kobelia AYE

RESOLUTION

Kobelia motion to approve the March 2010 the ZBA minutes and Kay Vossler seconded the motion. Motion carried.

Katie Vossler AYE

Rudy Kobelia AYE

Bob Lieber AYE

Chairman O'Shea AYE

Bill Underwood AYE

RESOLUTION motion to adjourn by Bob Lieber and seconded by Bill Underwood motion carried. Meeting closed at 8:05 PM.

RESPECT FULLY,

Sharon Cassidy Flint