

MINUTES OF THE ZBA – February 6, 2014

Members Present: Dan O'Shea, Al Socha, Bob Lieber, and Nancy Dalley. Jay Currie is absent. Also present, Dan Ellis, Esq. for Don Armstrong, Jack Gherardi, Erick Buck and Amy Bertini.

The meeting opened at 7:30 PM. Mr. Gherardi is here to explain his application for an area variance, followed by a subdivision application to the Planning Board. Dan asked if the application should be submitted to County Planning and the Board needs to determine if they have enough information to schedule a public hearing. Mr. Gherardi showed a map of the currently vacant lots and showed the location on St. Charles Bay Road. Mr. Gherardi has a color coded map showing the current lots and what the lots would look like after purchase and subdivision approval. He currently owns a house on Evans Road. Al Socha asked the size of the lots currently and after the subdivision. The proposed subdivision would result in Mr. Gherardi owning a lot of 2.5 acres and a lot of 1.5 acres. The seller, Mr. Bernhard would retain a portion of the property with waterfront. Dan noted that the Town can't grant a building lot on a private road as there is no way for the Town to provide services. The ordinance requires road frontage on a public highway. Unless the Town adopts the highway, Mr. Gherardi would never be able to build on it. He further noted that a previous applicant near Little York Lake had been denied for the same reason. Eric Buck asked what if the property was just seasonal? Dan Ellis noted that a pre-existing non-conforming house would be grandfathered. Eric Buck said they had several meetings with the Code Enforcer and were not informed of this requirement. He again noted that the request would be for seasonal use and pointed out there are many year round houses on Evans Road presently. He said the proposed houses would meet well and septic distances and they had done a walk through with Mike Ryan from the Cortland County Health Dept. Bob Lieber said it boils down to being a safety issue, if fire trucks can't get down the road. A further issue would be the ability to get a mortgage on a private road. Dan O'Shea said the Board will need more legal input, but believes there is enough information to go ahead with a public hearing. Amy Bertini pointed out that it is really an application for two variances, one as to road frontage and also as to lot size, which she believes needs to go through County Planning. Bob Lieber said the lot size can be mitigated but not being on a public highway is the problem.

Attorney Ellis agreed to discuss the application further with Don Armstrong and Mr. Buck will also try to reach out and speak to him as well. Motion to schedule a Public Hearing on March 6th at 7:30 made by Bob Lieber, seconded by Nancy Dalley, all in favor, the motion carried.

Motion to approve the minutes of November 7, 2013, made by Al Socha, seconded by Nancy Dalley, Bob Lieber abstains as he was not at the meeting, the motion carried.

The Board then did a preliminary review of the application of Paul and Maureen Knapp for a use variance for signage on a farm building and found it to be incomplete. The secretary will contact the Knapp's and ask that they complete the application prior to the March meeting, by completing page (3), page (4) and page (5). Motion made by Al Socha, seconded by Bob Lieber, all in favor the motion carried.

Motion to adjourn made by Bob Lieber, seconded by Nancy Dalley, all in favor, the motion carried and the meeting adjourned at 9:05 PM.

Respectfully submitted,

Mary Anne McCloskey, Secretary