

**PREBLE ZONING BOARD OF APPEALS  
MINUTES  
APRIL 5, 2018**

Present: Dan O'Shea, Amy Bertini, Bob Lieber, Nancy Dalley, Jay Currie  
Also Present: Donald Armstrong, attorney for ZBA; Councilperson Linda Riehlman

**Public Hearing:**

Dan O'Shea opened the public hearing at 7:30 p.m. on Michael Hughes' application for a conditional permit to conduct a home-based occupation at his residence. Linda Riehlman asked for a clarification of Mr. Hughes' plans. Dan explained that he is seeking a federal firearms license to sell firearms and ammunition. Mr. Hughes presently has a FF3 license which covers his collection but needs a FF1 to conduct business. A question was raised on traffic flow but the applicant plans to conduct business on-line and not carry inventory. The public hearing was closed at 7:35 p.m. followed by the regular meeting.

**Monthly Meeting Minutes:**

Michael Hughes' Conditional Permit Application: A review of the analysis and recommendation prepared by the staff of the Cortland County Planning Department was read. The County Planning Board's resolution No. 18-10 was then read which referred the matter back to the ZBA for local determination with consideration contingent upon the following:

1. The applicant obtain a Federal Firearms License (FFL) as is required to purchase ammunition in bulk and sell firearms;
2. The applicant provide a written narrative to the Town describing the proposed business specifically the process of ordering of merchandise by customers, inventory of merchandise on site, and distribution of merchandise to the customer to determine if the proposal falls under the realm of a home occupation;
3. Compliance with SEQR requirements.

The resolution further stated that pursuant to the requirement of GML Section 239M a supermajority vote is to be attained by the Town of Preble in order to approve the application unless every contingency documented in the resolution is followed. Amy Bertini explained that this means that if the County denied the application and the Town approved, a supermajority vote by the town is needed and vice-versa.

Although the site plan approval application was granted by the Planning Board at their February 2, 2018, it was suggested that the ZBA ask the code enforcement officer for a copy of the building permit for the barn Mr. Hughes constructed on his premises. A question was raised on whether his residence and barn is a non-conforming use as both are on one tax parcel and it was believed that the barn does have water and septic. Amy Bertini also raised the question on why Preble's zoning ordinance (Sec. 708) includes allowing "an accessory building" for a home occupation use in addition to the residence.

Pursuant to the Zoning Ordinance, the ZBA is to render a decision within 45 days after the hearing unless an extension is mutually agreed upon.

Amy Bertini made a resolution to ask the applicant to provide a written narrative of the operation of the proposed business pursuant to the County Planning Board Resolution No. 18-10 dated March 21, 2018, including a description of which structure the home occupation will be located. Bob Lieber seconded the motion; resolution carried unanimously. Don Armstrong will send the request to Mr. Hughes asking for a response 10 days prior to the next meeting of May 3 so that board members can review his response in advance.

Minutes of the March 1, 2018 meeting were reviewed. Nancy Dalley moved to approve the minutes; Bob Lieber seconded the motion; carried unanimously.

Jay Currie moved to adjourn; Nancy Dalley seconded motion; carried unanimously.

Respectfully submitted,

Sue Wright  
Recording Secretary