

ZONING BOARD MEETING
TUESDAY – JANUARY 26, 2016
ZONING BOARD
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NEW YORK – 13901

PRESENT: Mr. Donald Phillips, Chairman
Messrs. Doolittle, Ruston, & Waskie
Ms. Kinne & Ms. Pandich (Alternate)

ALSO PRESENT: Donald G. Walls, Esq. – Town Attorney
Jim DiMascio, Councilperson
Scott Russell, Ordinance Office

The meeting convened at 7:00 p.m. at which time Mr. Phillips called the meeting to order and welcomed the audience. Mr. Ruston read a statement which explained how the Zoning Board members are appointed, along with the Board's functions, limitations and duties. Mr. Ruston noted that the reading of this statement not only informs the audience about the Zoning Board of Appeals, but it also reminds the Board members of their responsibilities. Mr. Ruston also read the Notices of Publication for each case, which was duly published, as required by law, and as evidenced by Affidavits of Publication received and placed on file.

Mr. Phillips welcomed the new alternate to the Board, Melanie. Thanked her and it was nice to see some youth on the Board. Hope she finds this rewarding and that even though she was not voting tonight they do want her opinion.

APPROVAL OF THE MINUTES

- Approval of the Minutes for December 15, 2015 Zoning Board Meeting.

A motion was made by Mr. Ruston, seconded by Mrs. Kinne, to approve the Minutes of the December 15, 2015 Regular Meeting.

PUBLIC HEARING

– JEFFREY SCHULTHEIS – 710 Brotzman Rd. – TM#066.04-1-25 – Application for a Special Permit to allow a kennel for the care of dogs.

Mr. Walls conducted the Public Hearing.

Mr. Walls – Are you going to keep these dogs at your residence on Brotzman Rd.?

Mr. Schultheis – Yes.

Mr. Walls – Will they be kept inside or outside? Do you have a separate building?

Mr. Schultheis – We just have a fenced in area for them to go to the bathroom and then they come back inside.

Mr. Walls – So the dogs will be living inside most of the time?

Mr. Schultheis – Yes.

Mr. Walls – Do they ever run free?

Mr. Schultheis – No.

Mr. Walls – How many personal dogs do you have now that are yours.

Mr. Schultheis – They have three.

Mr. Walls – You want to board additional dogs as a business.

Mr. Schultheis – Yes.

Mr. Walls – So the maximum dogs you will have would be five or how many.

Mr. Schultheis – Two or three additional – five all together.

Mr. Walls – What breeds are the dogs that you have.

Mr. Schultheis – They have a Great Pyrenees and two little Shih Tzu's.

Mr. Walls – Inside the house is there a dedicated area for them to stay?

Mr. Schultheis – Basically there is a downstairs area – they have some rooms where they are kept.

Mr. Walls – How do you manage the food and is it kept in a separate area?

Mr. Schultheis – Yes. Owners usually bring their own food and they are fed based on their current schedule.

Mr. Walls – How about the management of the waste.

Mr. Schultheis – They have receptacles so once they do their business it's picked up and placed in a trash bag then taken to the dump.

Mr. Walls – Do you have hours that you operate?

Mr. Schultheis – No.

Mr. Walls – Do you sell any foods connected with canines?

Mr. Schultheis – No.

Mr. Walls – Will you have a sign?

Mr. Schultheis – No just word of mouth.

Mr. Walls – Are all the dogs licensed?

Mr. Schultheis – Yes and they also ask the people who bring their dogs to bring the shot records.

Mr. Walls – How close is the nearest residence? Dogs do bark.

Mr. Schultheis – 200 feet maybe.

Mr. Walls – Has anyone complained about your personal dogs?

Mr. Schultheis – No. Matter of fact, don't know if he saw the petition but they went beyond the 500 feet of their neighbors – end of Brotzman and East Hill. Talked to them making sure they knew what they are doing and if they had any issues or concerns and they did not.

Mr. Russell, Ordinance Office, recommends a one year renewal and to limit the number of bordering dogs to five in addition to the owner's three.

Mr. Walls closed the Public Hearing.

Mr. Phillips – Are you here because you personally came in and asked for a permit or was there a complaint from someone?

Mr. Schultheis – There was a letter sent to the Town saying we had a kennel – boarding dogs and that's what started all this. That's why we applied for the variance.

Mr. Phillips – The folks that sent the letter of concern have not contacted the Ordinance Office?

Mr. Russell – No.

Mr. Ruston – How many dogs do you intend to keep in addition to your own?

Mr. Schultheis – They have three of their own and when they talked at the last meeting there would be no more than five others .

Mr. Ruston – So a maximum of five additional dogs.

Mr. Schultheis – Yes.

Mr. Doolittle – Please explain about the shot records.

Mrs. Schultheis – Usually when someone is out of town they bring their shot records with them. If the dog gets sick and goes to the veterinary they need the dogs records.

Mr. Doolittle – Not all the dogs you have bring their records with them.

Mrs. Schultheis – They haven't run into that situation yet. Everyone has always had their records.

Mr. Schultheis – It's mainly been friends that have boarded their dogs. They don't advertise and they don't run ads. People off the street don't just walk in.

Mr. Phillips – There will be no signs – just word of mouth.

Mr. DiMascio – Just for clarification the five dogs was recommended by the Planning Board. It wasn't at the applicants request but the Planning Board recommendation.

Mr. Phillips – Is that more than adequate for your application?

Mr. Schultheis – Yes.

Mr. Phillips read the following correspondence.

Petition signed by various neighbors in support of the Special Permit.

Town Planning recommends a one year renewal and to limit the number of boarding dogs to five in addition to the owner's three dogs.

Broome County Planning recommends a favorable advisory with the conditions that a limit of five total dogs be allowed and a one year renewal is required.

Urda Engineering recommends the following –

- Keeping of the dogs must conform to Town Codes including Section 73-12©13, and the dogs must continue to be licensed.
- Parking must be provided as a home business for patrons. The applicant shall assure that they provide and maintain the ADA accessible parking spaces, aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the 2010 Building Code of the State of New York, Chapter 11 (or latest revision).
- Any signage must be preapproved by the Code Office.
- The Board and Code Office should consider stipulating a maximum amount of animals to be boarded at any one time, perhaps based on available square footage. A floor plan with boarding areas and ingress/egress paths is recommended to be coordinated with the Code Office.
- The residence is fairly well distanced from adjacent neighbors and residential structures.
- The Code Office should consider a code compliance review for the business portion of the structure to assure the safety and wellbeing of the animals, patrons, and inhabitants (proper fires safety, ingress/egress, heating, cooling, etc.).

Consideration should be given to the notes above, and by the ZBA to require a one year renewal. A favorable advisory is recommended with the recommendation that the above noted comments be addressed and coordinate with the Code Office.

Signed petitions (4 pages) from several neighbors.

NEW BUSINESS

- LUKE TOKARZ – First Baptist Church – 667 Brooks Rd. – TM#066.03-1-9.2 – Application for Triple Use Variance to allow an accessory building without a principal use, to allow an accessory structure in front of the principal use and to allow a sandbag business in an agricultural zone and Area Variance for less than required road frontage from 240’ to 208’.

A motion was made by Mr. Ruston, seconded by Mr. Doolittle to accept this application for Triple Use Variance to allow an accessory building without a principal use, to allow an accessory structure in front of the principal use and to allow a sandbag business in an agricultural zone and for an Area Variance for less than required road frontage from 240’ to 208’.

ROLL CALL: AYES – 5 NAYS – 0

REVOCATION

- AUBREY OWENS – 1149 River Rd. – TM#113.05-1-7 – Application for a Use Variance (one year renewal) to allow chickens in a residential zone.

Letter from applicant was received on December 16, 2015 requesting that their Use Variance be withdrawn as they no longer have the chickens.

A motion was made by Mrs. Kinne, and seconded by Mr. Doolittle to revoke the Use Variance to allow chickens in a residential zone.

ROLL CALL: AYES – 5 NAYS – 0

VOTES ON PUBLIC HEARING

- JEFFREY SCHULTHEIS – 710 Brotzman Rd. – TM#066.04-1-25 – Application for a Special Permit for the care and boarding of domestic dogs.

A motion was made by Mr. Doolittle, seconded by Mr. Ruston to approve the Special Permit for the care and boarding of domestic dogs in an agricultural zone with the following conditions –

- Total number of eight (8) dogs which include three of the applicants own dogs can be housed at the property.
- A one year renewal is required – January 24, 2017.
- Compliance Inspection is required by the Town of Chenango Ordinance Office.

ROLL CALL: AYES – 5 NAYS – 0

Mr. Waskie – Would like to ask Mr. Tokarz when he closed on the property.

Mr. Tokarz – They closed on January 22.

Mr. Doolittle – Do you have a schedule regarding your construction?

Mr. Tokarz – Yes he can do that and can e-mail it to Diane.

Mr. Phillips – Just a word of caution – remember that self-created hardships are not considered part of the project. Until you get your approval please be careful how much you are investing

and what you are doing because until we sit here and decide anything you might invest..... This is just a friendly piece of advice.

Mr. Doolittle – Is this going to drag out for a long period of time?

Mr. Tokarz – Main goal is to move in and build their house. It just made sense to move the business there as well. They are in the early stages of the business paying mortgage as well as renting out another parcel.

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Waskie to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary