

ZONING BOARD MEETING
TUESDAY – OCTOBER 24, 2017
ZONING BOARD
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NEW YORK – 13901

PRESENT: Mr. Donald Phillips, Chairman
Messrs. Ruston, Waskie, & Smith
Mrs. Kinne

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

ABSENT: Mrs. Pandich, ZBA Member

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.

APPROVAL OF THE MINUTES

- Approval of the Minutes for September 26, 2017 Zoning Board Meeting.

A motion was made by Mrs. Kinne, seconded by Mr. Waskie to approve the Minutes of the September 26, 2017 Regular Meeting.

PUBLIC HEARING

- THOMAS J. LEWIS – 4 Park Rd. – TM#112.11-2-34 – Application for a Double Area Variance to allow two accessory structures (shed & gazebo) in front of the principal use in a residential zone.

Mr. Walls conducted the Public Hearing.

Mr. Walls – Has the sketch which shows the general location of the two structures that you'd like to put on the property. Also has the narrative reply to the criteria that's required to obtain an Area Variance. You are asking for two accessories and they both will be located in front of the principal building (house). Correct?

Mr. Lewis – Park Rd. is considered the front but Willow Lane on the other side really the back of the house.

Mr. Walls – For the record please describe the shed you'd like to construct – dimensions, construction, and location.

Mr. Lewis – Constructed by Midway Sales in Whitney Point. The shed is 12' x 20'. They will construct the shed, lay the ground work and place the shed on the spot.

Mr. Walls – Ascetically is it going to match in with what's there?

Mr. Lewis – Yes absolutely. It will have yellow vinyl siding, and has windows. There is a picture of the shed in the application.

Mr. Walls – The shed setback from Park Rd. According to your sketch the setback is 30'. Is that correct?

Mr. Lewis – Correct.

Mr. Walls – The gazebo – please describe the dimensions, construction, and location.

Mr. Lewis – It's a 12' x 12' prefab. This is for future plans. The gazebo will be 20' from the neighbor's property and 64' from Park Rd.

Mr. Walls – What do you plan on using the shed for? Personal items?

Mr. Lewis – Yes. Personal items that are sitting in the garage.

Mr. Walls – The gazebo is a place to socialize?

Mr. Lewis – Yes but in the future not this year.

Mr. Walls – Can you place these structures any place else on your property? Any alternative location other than where you have them?

Mr. Lewis – Planned these particular spots because that's where we wanted them.

Mr. Walls – Going back to the criteria – any other sheds or gazebo's in the neighborhood?

Mr. Lewis – Yes.

Mr. Walls – Do you think they will have any detrimental effect to other properties in the area or do you think it will enhance them?

Mr. Lewis – Will enhance them.

Mr. Walls – As far as the environment is concerned will these structures impede the vision or sight distance of your neighbors?

Mr. Lewis – No.

Mr. Walls – Have you had any reaction from any of your neighbors?

Mr. Lewis – Positive as his wife has called a few neighbors and they've voiced no objections.

Mr. Walls – Anything else you'd like to tell the Board in connection to your application?

Mr. Lewis – No.

Mr. Walls – At this time the meeting is now open to the audience regarding this application.

Mr. Robert Tronovitch – 44 Wisconsin Dr. He’s a neighbor to them. He hasn’t seen them to ask about the variance. He is curious if he could take a look at the diagram of where they are that would probably end any questions that he has. (Mr. Tronovitch approached to see the site plan) He wasn’t sure if the structures were going to be close to Wisconsin. This shows they are inland.

Mr. Walls – Do you have any objections?

Mr. Tronovitch – No objection. He’s in favor and it’s very appealing.

Mr. George Tyler – 48 Wisconsin Dr. He is in favor, has no problem. He knows Tom will keep it up, everything is landscaped around his house and it’s very nice. He’s sure he’ll take care of the shed.

Mr. Walls – Anyone else care to comment? The Public Hearing is closed.

Mr. Russell, Ordinance Office that due to the property layout having three front yards limits the owner’s reasonable use of the land. Approval is recommended with a building permit being required.

Mr. Phillips read the following correspondence.

Broome County Planning has reviewed the above cited case and has not identified any significant countywide impacts associated with the proposed project.

Town Planning recommends a favorable advisory with a building permit being required.

Urda Engineering recommends a favorable advisory with a building permit being required.

INTERPRETATION

- TOWN OF CHENANGO – 256 Mary Dr. – TM#078.20-3-47 – Interpretation for 73-44 Residential setbacks for corner lots.

RECOMMENDATION - See ZBA file for Ordinance opinion.

Mr. Phillips – This has been a topic of discussion for a while. He was privileged as a young man in the late 60’s when the ordinance for this was set up. Knows the original intent was to make sure the language was right, but their major concern was line of sight and encroaching in something that wasn’t acceptable to the neighborhood. What this is all about is a perfect example when someone has a corner lot they technically have two front yard setbacks and that makes all kinds of difficulties. This gentleman has three fronts, so he knows what the intent was – sight distances, encroachment, neighborhood enhancement, but it seems like just as this evening they are spending a lot of time on these applications. Existing lots where folks move in, want to upgrade, and now there is a burden trying to upgrade. However, quoting Mr. Waskie – It’s not their job to change the ordinance. That’s something the Town Board does. He would like to say he has all sorts of confidence in the Ordinance Office, Mr. Russell. Would be nice to say use your discretion involving these things to simplify things. They don’t have that as a Board to do that, so his and Mr. Waskie’s recommendation is they send a message back to

the Board if they want to give the power to Mr. Russell to make discretionary decisions have them either setup a committee to change this ordinance a little bit, but they don't have that power.

Mr. Waskie – correct.

Mr. Phillips – Anyone else's input?

Mr. Ruston – They certainly don't have the power to change it nor do they have the power to assign authority. Only the Town Board can do that.

Mr. Phillips – Sounds like we are in agreement.

Mr. Walls – Now you need to make a recommendation to the Board.

Mr. Phillips – So do we need a motion as the Board representative is here.

Mr. Kellogg – He understands what they are recommending and will take it back to the Board for consideration.

NEW BUSINESS

- SCOTT T. WILSON – 89 Poplar Hill Rd. – TM#095.20-1-17 – Area Variance to exceed the maximum square footage for an accessory building from 750 S.F. to 1,500 S.F. and Use Variance to allow an accessory building as the principal use in a residential zone.

RECOMMENDATION – The Ordinance Office finds this application to be complete and would recommend that the Board accept and schedule a Public Hearing for November 28, 2017.

A motion was made by Mr. Waskie, seconded by Mr. Ruston to accept this application for an Area Variance to exceed the maximum square footage for an accessory building from 750 S.F. to 1,500 S.F. and Use Variance to allow an accessory building as the principal use in a residential zone.

ROLL CALL: AYES – 5 NAYS – 0 ABSENT – 1

Mr. Waskie – Would you put in some stakes to give them an idea of where the building will be situated. Looks like the telephone pole with the guy-wire might be on the property line going down.

Mr. Scott Wilson – It is.

Mr. Waskie – Just wondering if there are any deed restrictions – R.O.W. given to the Town or owner for access of the pump house or how you plan on.....

Mr. Wilson – So the pump house is not on the property it's on the adjacent property; which he believes is 85 Poplar Hill Rd, is the parcel that goes back to the retention ponds behind the property in question. They are looking to put the building on the right hand side of the property away from the pump house. The existing access roads that are in there to get back to the retention pond he honestly doesn't know yet if there is an easement on the roads right now.

Mr. Waskie – That would give us an idea of where you are going to go as there might be some questions there. Looks like there is a swale running along the side and drops off to a big hole.

- JEREMY DELLOW – 6 Poplar Hill Rd. – TM#112.08-1-71 – Application for an Area Variance to construct an addition with less than required side yard setback from 10’ to 5’ in a residential zone.

RECOMMENDATION – The Ordinance Office finds this application to be complete and would recommend that the Board accept and schedule a Public Hearing for November 28, 2017.

A motion was made by Mr. Waskie, seconded by Mrs. Kinne to accept this application for an Area Variance to construct an addition with less than required side yard setback from 10’ to 5’ in a residential zone.

ROLL CALL: AYES – 5 NAYS – 0 ABSENT – 1

Mr. Phillips – it occurred to them that the December meeting is set for the day after Christmas. Would like a motion to change that date to December 19.

A motion was made by Mr. Ruston, seconded by Mr. Waskie to change the December meeting date to December 19, 2017.

ROLL CALL: AYES – 5 NAYS – 0 ABSENT – 1

VOTE ON PUBLIC HEARING

- THOMAS J. LEWIS – 4 Park Rd. – TM#112.11-2-34 – Application for a Double Area Variance to allow two accessory structures (shed & gazebo) in front of the principal use in a residential zone.

A motion was made by Mr. Ruston seconded by Mr. Waskie to approve this Double Area Variance to allow two accessory structures (shed & gazebo) in front of the principal use in a residential zone.

ROLL CALL: AYES – 5 NAYS – 0 ABSENT – 1

Mr. Phillips – There’s been some rumor that people want to discuss the compressor station in the neighboring town. This Board does not have the power over this and it’s not on the agenda. So if anyone is here for that reason the Town of Chenango will carefully look at and follow all the proper channels.

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Waskie, and seconded by Mrs. Kinne to adjourn the meeting at 7:24 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary