

ZONING BOARD MEETING
TUESDAY – DECEMBER 15, 2015
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

ALSO PRESENT: Jim DiMascio, Councilperson
Scott Russell, Ordinance Office

ABSENT: Donald G. Walls, Esq. – Town Attorney

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 November 24, 2015, Zoning Board Meeting.

A motion was made by Mr. Ruston, seconded by Mr. Waskie, to approve the Minutes of the November 24, 2015 Regular Meeting.

PUBLIC HEARING

- GRANDE RESTAURANT – Vincenzo Altadonna – Use Variance to allow a steel storage container permanently behind the Northgate Plaza.

Mr. Phillips conducted the Public Hearing.

Mr. Phillips – Please give a brief summary of your application. Don't need a lot of detail as the Board has reviewed the application.

Mr. Michael Haas, Landscape Architect – This is a 8' x 20' steel storage container that's behind the restaurant and it's in the Planned Development Commercial District. He's been there for 20 years or more and so has that container. The container holds mostly paper products – pizza boxes etc. – supplies that are necessary for the business to function as there is limited storage space in the restaurant. It's a unique hardship in that the area behind the plaza is a service/delivery area. There is no undesirable change to the neighborhood because you can't see it – wooded area that separates the river from the back of the plaza. Hardship is not self-created the restaurant owner leases the space in Northgate Plaza. The interior space is dedicated to the dining patrons, pizza ovens, dining space and kitchen; which is about 4,000 square feet. Bulk storage is a necessary part of the business. It's not in the way of delivery trucks as they can pass by.

Mr. Waskie, ZBA Member – Who owns the container?

Mr. Altadonna – I do.

Ms. Kinne, ZBA Member – When the river floods does the water come into that area?

Mr. Altadonna – He is in a high point the low point is by the former Ames store.

Mr. Phillips – Any thought about painting it?

Mr. Altadonna – No but he will if necessary.

Mr. Phillips closed the Public Hearing.

Mr. Russell, Ordinance Office, recommends granting the Use Variance to allow a permanent storage container behind the restaurant.

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; however, they have the following comments –

-This department makes no determination as to whether the applicant meets the four tests of a use variance.

-The project tax map is located partially within the existing FEMA Special Flood Hazard Area and partially within the Preliminary FEMA Special Flood Hazard Area. The applicant should be informed of the risks of placing the project in the Special Flood Hazard Area.

-The Town ZBA should ensure that the storage container would not block emergency access.

Urda Engineering recommends a favorable advisory be granted.

Town Planning recommends a favorable advisory.

Drainage Coordinator recommends approval.

Letter from Peter Nalitt, Owner of Northgate Plaza Company – supports this action and requests that the ZBA grant the Use Variance.

NEW BUSINESS

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

RECOMMENDATION

The Ordinance Office finds this application to be complete and would recommend the Board accept and schedule the Public Hearing for January 26, 2016.

A motion was made by Mr. Doolittle, seconded by Mr. Waskie, and unanimously carried to accept this application for a Special Permit to allow a kennel for the care of dogs.

ROLL CALL: AYES – 5 NAYS – 0

Mr. Phillips – Anything we should know about? Are there dogs on site now?

Mr. Schultheis – Sometimes we do have dogs there. One thing he wants to point out – he wasn't applying for a kennel just have them at their house. They have rooms downstairs where they keep some of the dogs. The letter they wrote to the Town stating why they are doing this it's not like a kennel. There are no runs or buildings with runs. They have rooms downstairs for the dogs.

Mrs. Schultheis – Usually they are inside. There are so many dogs that get stressed out when their owners go away and placed in a kennel. They give them a home as she's there all the time.

Mr. Phillips – So when they come to visit we will probable see nothing.

Ms. Kinne – Should the wording be changed to housing?

Mr. Phillips – Under the Agricultural spread sheet – Special Permit care of dogs.

Mr. Ruston – Should it be more than the magic number – three or something like that. In lieu of it being called a kennel permission to house more than three dogs at this location....

Mrs. Schultheis – All we can have downstairs is six and maybe two to three upstairs. That’s all we can have.

RENEWAL

- 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.

A motion was made by Mr. Ruston, seconded by Mr. Waskie, and unanimously carried to approve this application for a Use Variance to allow chickens in a residential zone with the following conditions – number of chickens allowed is twelve, no roosters, proper disposal of waste, and use variance will terminate when parcel is sold/transferred.

ROLL CALL: AYES – 5 NAYS – 0

Mr. Phillips asked if there have been any complaints regarding this application?

Mr. Russell – No complaints and recommends the Use Variance continue to allow chickens with the stipulation that the variance terminate upon the transference of the deed.

Mr. Ruston suggests they keep the prior conditions as long as there are no further complaints he approves.

VOTES ON PUBLIC HEARING

- GRANDE RESTAURANT – Vincenzo Altadonna – Use Variance to allow a steel storage container permanently behind the Northgate Plaza.

A motion was made by Mr. Ruston, seconded by Mr. Doolittle, and unanimously carried to approve this application for a Use Variance to allow a steel storage container permanently behind the Northgate Plaza with the condition that if the intended use changes the variance must be renewed.

Mr. Waskie – Since he owns the container upon either the changes of business or proprietorship the container would go away. Use variance would no longer be in effect.

Mr. Phillips – How about reapplying for the Use Variance rather than go away. If he were to sell his business that would be part of the sale.

Mr. Waskie – Depends, he may want to put something else in there. How about if there is a change in the intended use? Not part of the property or the landlord it's separate by itself.

Ms. Kinne – That's a lease situation.

Mr. Phillips – Yes he leases from Northgate.

Mr. Waskie – But he owns the container.

Mr. Phillips – If thirty years down the road he were to sell he feels it's critical that the container stays. Let's vote – Mrs. Kinne.

Ms. Kinne – Wanted to thank Mr. Altadonna for his years of dedicated service to the Town. Yes.

Mr. Doolittle – Yes.

Mr. Waskie – Yes.

Mr. Ruston – Yes.

Mr. Phillips – Yes.

ROLL CALL: AYES – 5 NAYS – 0

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Waskie to adjourn the meeting at 7:20 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary