

ZONING BOARD MEETING
TUESDAY – MARCH 22, 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. Pandich (Alternate)

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

ABSENT: Ms. Kinne. Board 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 February 23, 2016 Zoning Board Meeting.

A motion was made by Mr. Doolittle, seconded by Mr. Ruston, to approve the Minutes of the February 23, 2016 Regular Meeting.

PUBLIC HEARINGS

- BRANDON BENJAMIN – 4 Maye St. – TM#095.14-2-29 – Application for a Use Variance to place a double wide on the parcel & an Area Variance for less than required road frontage from 100' to 50'.

Mr. Walls conducted the Public Hearing.

Mr. Walls – Understand you want to put a manufactured home on the lot.

Mr. Atkinson – Correct.

Mr. Walls – Please give us the dimensions of the building.

Mrs. Atkinson – 28' x 60'.

Mr. Walls – It's going to be placed on a cement slab according to the application.

Mr. Atkinson – Correct.

Mr. Walls – Will there be water and sewer hooked up to the home?

Mr. Atkinson – Yes.

Mr. Walls – Regarding the Area Variance you only have 50' of road frontage and you need 100'. Can you buy property on either side?

Mrs. Atkinson – No.

Mr. Walls – Have you investigated the alternative of building a stick built house?

Mrs. Atkinson – Too costly to build.

Mr. Walls – The double wide you are putting on the property is it new or used and what brand name is it?

Mr. Atkinson – It is used and it's a 1993 Skyline Greenfield.

Mr. Walls- Are there any other manufactured homes in the area?

Mr. Atkinson – Yes there is one across the street.

Mr. Walls – Is there anything else you'd like to tell the Board?

Mrs. Atkinson – They did get many of the neighbors to sign a letter of support stating they were okay with what they were doing. That letter was in with their application.

Mr. Walls – Is he correct in understanding that Brandon is under contract to sell to another party.

Mrs. Atkinson – Yes there is a potential buyer.

Mr. Walls – If the variance is granted then the closing will take place – is that correct?

Mr. Atkinson – Yes. Would like to get started as soon as possible. He has a family and it's a perfect area with a dead end street – low traffic.

Mr. Walls – What's the start date if this is granted.

Mr. Atkinson – It depends on the weather to pour concrete for the slab. When the concrete cures then the house will be brought in and setup.

Mr. Walls – The lot is currently vacant?

Mr. Atkinson – Yes.

Mr. Russell, Ordinance Office recommends the ZBA grant the use variance to place a double wide on the parcel and area variance for less than required road frontage from 100' to 50' with a building permit being required.

Mr. Phillips – Is this the actual home that was in with the application?

Mr. Atkinson – Yes.

Mr. Russell – Wanted to commend the applicant. They came in early asking for help and wanted to know what was required.

- FIRST UKRAINIAN PENTECOSTAL CHURCH – Yaroslav Karnauch – Application for a Triple Area Variance to allow a third accessory structure (detached garage), to exceed the maximum square footage allowed from 725' to 1140' & to exceed the maximum height from 16' to 21'-6.5".

Mr. Walls conducted the Public Hearing.

Mr. Nazar Logvis will be representing the Church. He has the plans with him and will do his best to answer the questions.

Mr. Walls – You plan on building a third accessory building in the form of a garage is that correct?

Mr. Logvis – Yes.

Mr. Walls – Can we have some specs on the garage – dimensions, type of construction and location?

Mr. Logvis – Based on the map of the property he showed the Board where the church and school are and where the garage would be placed by the corner of the property. Will use the existing parking lot for access and there is a row of trees which will semi hide the garage from the view on Route 11. General dimensions of the garage are 39' x 32' with a height of 21'6".

Mr. Walls – The general purpose of the garage?

Mr. Logvis – They have about 40-50 youth members and they take trips with them. They purchased a van that's 11' tall and neither of the vans fit in the existing garage. They have had some issues – basketball hoops broken, etc.

Mr. Walls – Is that the reason for the height?

Mr. Logvis – Yes. They tried to make one of the garage doors higher by purchasing a scissor truss to get more ceiling height but it didn't work.

Mr. Walls – The garage will it be constructed so it blends in?

Mr. Logvis – They are considering getting siding that has is brick or maroon color. The shingles will be the same as the church as they are having new shingles installed on the church.

Mr. Walls – Start date if this is granted?

Mr. Logvis – End of April beginning of May. Also depends on how long the building permit takes to be approved.

Mr. Walls – Completion?

Mr. Logvis – Probably will take most of the summer guessing three months. Some items are manufactured like the trusses. They are planning on building it themselves – working with a contractor that attends the church.

Mr. Walls – Will the social activities be able to work around the construction?

Mr. Logvis – Yes it's tucked away enough they don't see it conflicting with anything they typically do.

Mr. Walls – Any screening around it as you mentioned there were trees/scrubs.

Mr. Logvis – More or less they picked a spot where there are some trees.

Mr. Walls closed the Public Hearing.

Mr. Russell, Ordinance Office recommends approval of the triple area variances with a building permit being required.

Mr. Phillips read the following correspondence

Urda Engineering has reviewed the application and finds that strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land. To achieve the applicant's interest the variance request is necessary for reasonable use and is a minimal request to achieve the use. The granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. A favorable advisory is recommended with a building permit being required.

Broome County 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.

The project tax map is located partially within the existing FEMA Special Flood Hazard Area & partially within the Preliminary FEMA Special Flood Hazard Area.

Town Zoning Board of Appeals should ensure that the proposed project includes the appropriate drainage.

BMTS has no comment.

NYSDOT has no comment.

BCHD has no comment.

Drainage Coordinator has inspected the site and recommends approval.

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

NEW BUSINESS

- GEORGE HARCHAR JR. – 9 Frederick Rd. – TM#112.07-4-38 – Application for Double Area Variance to build a detached garage to exceed the square footage from 725' to 960' & for the driveway with less than required side yard setback from 10' to 5'.

A motion was made by Mr. Ruston, seconded by Mr. Waskie to accept this AMENDED

application for Triple Area Variance to build a detached garage to exceed the square footage from 725' to 960', for the driveway with less than required side yard setback from 10' to 5' and to exceed the height from 16' to 17'.

ROLL CALL: AYES – 5 NAYS – 0

Mr. Harchar – Would like to change his application as he feels he will need the garage to be higher. Thinking that 16'-5" or 17' would be better. He has also placed three pins to show where the garage will be. Also the shed that's out back will be torn down once the garage is built.

Mr. Russell – The Ordinance Office finds this application to be complete and recommends the Zoning Board accepts and schedules a Public Hearing for April 26, 2016.

- STANLEY K. LING – 35 Frederick Rd. – TM#095.19-1-40 – Application for an area variance to construct a detached garage with less than required front yard setback from 30' to 7'.

Mr. Russell – The Ordinance Office finds this application to be complete and recommends the Zoning Board accepts and schedules a Public Hearing for April 26, 2016.

A motion was made by Mr. Waskie, seconded by Mr. Doolittle, to accept this application for an area variance to construct a detached garage with less than required front yard setback from 30' to 7'.

ROLL CALL: AYES – 5 NAYS – 0

VOTES ON PUBLIC HEARINGS

- BRANDON BENJAMIN – 4 Maye St. – TM#095.14-2-29 – Application for a Use Variance to place a double wide on the parcel & an Area Variance for less than required road frontage from 100' to 50'.

Mr. Phillips read the following correspondence.

Urda Engineering has reviewed the application and finds all setbacks are met. Suggests the owner might consider adjusting the building toward one side to allow more room for the necessary egress landing and stairs. Numerous parcels adjacent to this one have similar dimensions and are developed with residences. The project is subject to Broome

County 239 review and is a Type II Action under SEQR. The application conforms to the Code of the Town of Chenango Chapter 73, Article VII, Sect. 73-23 C Variances (2) (a), (b), and (c) per the following – Strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land. To achieve the applicant’s interest the variance request is necessary for reasonable use and is a minimal request to achieve the use. The granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The width condition is similar to the surrounding parcels. A favorable advisory is recommended with a building permit being required.

Drainage Coordinator recommends approval.

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.

Letter of support from various neighbors.

Mr. Phillips – Mr. Urda has already stolen a lot of the thunder and he certainly agrees with his conclusions regarding the criteria for the use variance. Cannot realize a reasonable return – alleged hardship is unique (building burned) – requested variance will not alter the essential character of the neighborhood and the alleged hardship has not been self-created.

A motion was made by Mr. Ruston, seconded by Mr. Waskie to approve the Use Variance to place a double wide on the parcel.

ROLL CALL: AYES – 5 NAYS – 0

A motion was made by Mr. Ruston, seconded by Mr. Waskie to approve the Area Variance for less than required road frontage from 100’ to 50’.

ROLL CALL: AYES – 5 NAYS – 0

- FIRST UKRAINIAN PENTECOSTAL CHURCH – Yaroslav Karnauch – Application for a Triple Area Variance to allow a third accessory structure (detached garage), to exceed the maximum square footage allowed from 725’ to 1140’ & to exceed the maximum height from 16’ to 21’-6.5”.

A motion was made by Mr. Waskie, seconded by Mr. Doolittle to approve the Use Variance for a

Triple Area Variance to allow a third accessory structure (detached garage), to exceed the maximum square footage allowed from 725' to 1140' & to exceed the maximum height from 16' to 21'-6.5".

ROLL CALL: AYES – 5 NAYS – 0

Mr. Doolittle – Are they going to do any maintenance inside the garage that involves fluids?

Mr. Logvis – No – he thinks one of the vans they can't as it's too complicated and the other one, if he recalls, a gentleman from the church takes it to his home and does the oil changes there.

Mr. Doolittle – That will be on any vehicles stored in there? Will you wash it there?

Mr. Logvis – Doesn't know as they are not putting water there just electric for a light. So at this point they will be pulling it out and washing it by the school where there is water.

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Waskie and seconded by Mr. Doolittle to adjourn the meeting at 7:35 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary