

PLANNING BOARD
MEETING
MONDAY, MARCH 9, 2015
7:00 P.M. - TOWN HALL - 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901

PRESENT: Cynthia Paddick - Chairwoman
Messer: Donnelly, Warren, Blythe and Carl

ALSO, PRESENT: Thomas Geisenhof - Assessor
Alex Urda P.E. - Town Engineer
Jim DiMascio - Town Board Member

ABSENT: Michael Boland - Planning Board Alternate

The meeting convened at 7:00 p.m., at which time Mrs. Paddick called the meeting to order and welcomed the audience. Mrs. Paddick read a statement which explained the Planning Board Mission, along with the Board's duties, functions and limitations. The first order of business is the approval of the minutes from the February 9, 2015 Planning Board meeting.

A motion was made by Mr. Donnelly seconded by Mr. Warren to approve the February 9, 2015 Planning Board minutes.

Roll Call: Ayes - 5 Nays - 0 Absent – 1 (Boland)

- **WILLIAM & BEVERLY CHILSON** – 5 Matthews Rd- TM#112.05-3-19- Application for a use variance to allow a mobile home in a residential zone.

Mr. Urda read his letter regarding the applicant's request to remove the existing 60' x 11.6' and 20' x 12' detached garage for the placement of a new 44' x 28' double wide mobile home. The owner is replacing the mobile due to the extensive damage created from a tree limb falling on to the roof. The cost of repairs would be more than the value of the trailer. A building permit would be required with the setbacks noted on both the building permit and site plan. Since the project is within the 100-year floodplain. It is recommended the new mobile home be set at an elevation exceeding the higher of either the existing or preliminary FEMA Firm map. They should also assure floodplain/ code compliant anchoring is installed on the new mobile home. It is also located within the Aquifer Protection Zone 1 "Wellhead Protection Zone" it currently complies with the Town Code and should continue to do so. It is recommended a favorable advisory with the noted comments being addressed by the applicant.

Mr. Geisenhof from the Ordinance Office recommended that the Planning Board forward a favorable advisory to the ZBA to grant a use variance to allow a mobile home in a residential zone.

The applicant was present to answer questions from the Board.

Mr. Geisenhof stated after the 2011 flood several double wide homes in that area seemed to fair well. There were only a few homes that required minimal new insulation. They all appear to be above flood plain level.

Mrs. Paddick stated they need to exceed the flood elevation.

With no questions from the Board, a motion was made by Mr. Donnelly seconded by Mr. Warren to forward a favorable advisory to the Zoning Board of Appeals with a building permit being required.

Roll Call: Ayes - 5 Nays - 0 Absent – 1 (Boland)

- **FRANK ZMITROWITZ** - 47 Dorman Rd.- TM#111.01-1-19 - Application for an area variance to reduce the minimum lot width from 240 ft. to 35.35 ft. in an agricultural zone.

Mr. Urda stated the applicant’s request to reduce the minimum lot width from 240’ to 35.35’ for the construction of a new single family home. Granting this variance would not be injurious to the neighborhood or otherwise detrimental to the public welfare. This is a variance for an existing condition not for reconfiguration of the dimensions.

It is recommended that the owner provide and maintain an access drive to the future residence which is suitable for emergency vehicle access should the need arise.

Mr. Geisenhof from the Ordinance Office recommended that the Planning Board forward a favorable advisory to the ZBA to grant an area variance to reduce the minimum required lot width from 240 ft. to 35.35 ft. in an agricultural zone.

The applicant was not present.

Mrs. Paddick asked if there were any questions or concerns.

Mr. Warren questioned the future right of way in the rear and blocking access for the Fire Company?

Mr. Urda stated there is no rear right-of-way. It is just a long driveway. His intent is to provide utilities to his new home. Nothing else was indicated on the variance application.

Mr. Carl asked how the Fire Company will have access to their property, if Mr. Zmitrowitz sells his property.

Mr. Donnelly said if the Fire Company decided to build on the ½ acre property it is up to them to acquire a right-of-way, if it hasn’t already been recorded in the deed. So if Mr. Zmitrowitz sells the property the row would stay in place.

Mr. Carl stated the map provided shows a 50’ right-of-way, maybe the applicant needs to clarify the part

about the utilities being provided and when the Fire Department decides to build, they will have easy access when the time comes. That is a very steep property for a driveway that length.

Mr. Donnelly asked if there are any other future plans for the property besides the house construction.

Mr. Geisenhof stated best to his knowledge, no other development is planned.

There being no further discussion a motion was made by Mr. Carl, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals with a building permit being required.

Roll Call: Ayes - 5 Nays - 0 Absent – 1 (Boland)

- **MICHAEL KASABIAN** -148 W. Chenango Rd.- TM#094.01-2-32- Application for a use variance to allow a recreational vehicle in front of the front building line

Mr. Urda reviewed the applicant’s request to allow a recreational vehicle in front of the house building line. I discussed the situation of the site with Mr. Geisenhof and according to the applicant, the camper has been parked there for many years, with no complaints. We understand the restraints to move the camper to an alternate location on the property due to the demographics. However, it would be preferred to see the camper placed closer to the house similar to a parked vehicle, or screen it with landscaping. Granting this variance would be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or detrimental to the public.

Mr. Geisenhof recommended that the Planning Board forward a favorable advisory to the ZBA to grant a use variance to allow the parking of a recreational vehicle forward of the front building line in a residential zone.

Mrs. Paddick asked if the camper is there year round.

Mr. Kasabian said the camper has been there over 20 years and parked and never had any issues before.

Mr. Blythe asked why not park them parallel with the driveway?

Mr. Kasabian stated they are parked down by the road since our lot is so narrow with a steep pitch with trees. The other side has our holding tank for the septic with pipes extending up to the leach field. It is a 17 foot camper and we have nowhere else to put it.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Warren to forward a favorable advisory to the Zoning Board of Appeals.

Roll Call: Ayes - 5 Nays - 0 Absent – 1 (Boland)

Mr. DiMascio addressed the Board regarding the Comprehensive Plan updates status.

Mrs. Paddick told the Board Members of their meeting with Frank Evangelisti and Doug English from Broome County on Tuesday, February 24, 2015. They discussed Broome County's 239 review and their concerns with the zoning changes for NYS Rte12 and the energy zone classification. They would like to create the right fit for NYS Rte 12, not heavy traffic or big box business. The energy zone petition according to Broome County's attorney the petition is illegal, so this needs to be modified, but did not give any guidance.

Mr. DiMascio said we have to look at the new zoning classification and put in clear concise wording. Also include the setback and parking requirements, with no big box businesses.

Mrs. Paddick thought the buildings should be pushed back from the road with parking behind the building.

Mr. Donnelly thought they wanted the buildings more towards the road. I remember Sarah Campbell who represented Air Temp at one of our meetings saying it wasn't practical to have all the parking behind a building.

Mrs. Paddick stated we did not come to any conclusion regarding the new energy zone, only that NYS Dept. of State ruling would deem the petition not constitutional /illegal. So we have asked Broome County to assist us with any language from other towns that we can use. And to review the light commercial language. They requested time to research the verbage for our town to use and to meet again in a few weeks for a more in depth guidance.

Broome County assisted other towns with their Comprehensive Plan, like Barker and Binghamton, which are mostly rural. The Town of Chenango has more changing demographics. The County is going to look at the overlay districts and possibly create a fracking overlay map. There are only a few areas for possible gas development (Castle Creek and Port Road) the rest is inaccessible due to the aquifers and well head protection zones. So moving forward we have some massaging to be done with 2 of the items for clarification. Hopefully we will have it by next month.

Mr. Urda mentioned the Town of Gorham has a wind farm district in place, something to consider.

Mr. Carl would rather see Front Street commercial filled in first prior to expanding more outward.

There being no further business a motion was made by Mr. Donnelly and unanimously carried to adjourn the meeting at 7:30 p.m.

Respectfully submitted,
Diane Aurelio
Ordinance Secretary

