

PLANNING BOARD
MONDAY, MAY 9, 2016
7:00 P.M. - TOWN HALL - 1529 NYS RTE 12
BINGHAMTON - NEW YORK - 13901

PRESENT: Cynthia Paddick - Chair
Messer: Donnelly, Blythe, Carl and Worden

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
Scott Russell – Assessor’s Aide
Michael Boland Planning Board Alternate

ABSENT: James DiMascio - Town Board Member

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 Regular Planning Board meeting on April 11, 2016.

A motion was made by Mr. Worden, seconded by Mr. Carl, to approve the minutes from the April 11, 2016 regular Planning Board meeting.

Roll Call: Ayes – 4 Nays – 0 Abstain – 1 (Blythe)

NEW BUSINESS

- **THE ICE HOUSE SPORTS COMPLEX, FIRE & ICE SPORTS BAR & GRILL** – MCJ Property Management- Michael Rodgers – 614 River Rd. - TM#112.06-6-16 - Application for site plan update to include a second story deck to expand the seating for the bar& grill.

Mr. Urda, Town Engineer – The applicant is requesting constructing an 800 square foot second story deck for the Ice House Sports Complex, Fire & Ice Sports Bar & Grill. This addition will extend their seating capacity by 40 seats. We have received the letter of intent and drawings with the site sketch and deck elevations. The use would be seasonal and would not impact the existing parking area. Currently it appears to have 137 available parking spaces. This is a Type II action under SEQR and is subject to Broome County 239 review. Approval is recommended with a building permit being required.

Mr. Russell, Assessor’s Aide from the Ordinance Office – recommended support of this project with the conditions of a fire inspection of the facility is required prior to the certificate of compliance on deck being issued, as well as a building permit is required prior to starting the project. And with the stipulation there is to be no outside music /entertainment on the deck.

Mr. Dieffenbach representative for the project was present to answer questions from the Board.

Ms. Paddick – Any questions regarding this site plan?

Mr. Donnelly – Do you anticipate having any outside music/entertainment?

Mr. Dieffenbach – No.

Mr. Blythe – What are the hours?

Mr. Dieffenbach – Between 10:30 a.m. to 11:00 p.m.

Mr. Donnelly – Is the restaurant open daily with regular hours?

Mr. Dieffenbach - The restaurant usually opens at 4:00 p.m. The time does vary depending on the venue when they would close. Normally it would be around 9 to 10 p.m. We plan on enclosing the stairwell with lighting only. We do not plan on changing the existing lighting outside.

There being no further discussion a motion was made by Mr. .Donnelly, seconded by Mr. Blythe to approve this site plan update with a building permit and fire inspection being required.

Roll Call: Ayes – 5 Nays – 0

ADVISORY OPINION/REFERRALS

- **JOSEPH A ZIGMONT**- 48 W. Chenango Rd. – TM#094.15-1-1.1- Amending the area variance application V-03 2009 for a building height from 22’ to 26’ in a residential zone.

Mr. Urda – the applicant is requesting to amend his previously approved variance V03- 2009 to increase the height of the accessory building from 22’ to 26’ in a residential zone. The application conforms to the Town Code Chapter 73, Article VII §73-23 C Variances (2) (a) & (c). This is a minimal request and will not be injurious to the neighborhood or detrimental to the public. This is subject to Broome County 239 review and is a Type III action under SEQR. A building permit will be required prior to any construction for code compliance. A favorable advisory is recommended. However, Broome County 239 comments recommended not having floor drains connected to dry wells, because these require USEPA underground injection control permits. Any chemicals/fuel storage should be inside as much as possible to prevent accidental spills from contaminating soils and underground water. There should be no outdoor storage of chemicals.

Mr. Russell - The Ordinance Office is in support of this project with the condition of a building permit is required prior to starting the project.

The applicant Mr. Zigmont was present to answer questions from the Board.

Ms. Paddick – Any questions for the applicant?

Mr. Carl – Is the floor drains something we have to address in our motion.

Mr. Russell – The Ordinance Office will be handling this during the building permit application process.

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

Roll Call: Ayes – 5 Nays – 0

- **NICHOLAS & RENEE STENTO**- 2 Norman Rd. - TM#112.07-2-27- Application for Use Variance to allow chickens in a residential zone.

Mr. Urda – The applicant is requesting 4 to 6 chickens and no roosters in a residential zone. Granting this variance is necessary for reasonable use of the land and is in harmony with the general purposes and intent of these chapters. As part of their application the adjacent neighbors signatures that they have no objection to this variance. This is a Type II action under SEQR and is subject to Broome County 239 review. It is recommended the noise and order be maintained per the Town Code. The Board should consider setting a limit to the number of chickens (12 was on the prior application maximum as a different location) and having the variance terminate in the event of a change of ownership. They will need to coordinate with the Ordinance Department for a building permit. They should consider additional setback is suggested. A favorable advisory to the Zoning Board is recommended

Mr. Russell - The Ordinance Office is in support of this variance request with the condition of a one year renewal being required.

The family was present to answer questions from the Board. Mr. Stento said the maximum amount of chickens would be 6. This is my daughter’s project and she has done all the research on raising chickens.

Ms. Paddick – Any questions for the applicants?

Mr. Blythe – So this is this your project, what type of chickens will you have.

Daughter- Barred Plymouth Rock hens, they are smaller than a normal size chicken and can withstand the cold weather better.

Mr. Carl – What was done previously on these applications, so we can be consistent with our motion?

Mr. Urda – Last application they had a maximum of 12 chickens.

Mr. Stento – Believe me we only want 6 chickens.

There being no further comments a motion was made by Mr. Carl, seconded by Mr. Blythe, to forward a favorable advisory to the Zoning Board of Appeals with maximum of 12 chickens and with a 1 year renewal being required.

Roll Call: Ayes – 5 Nays – 0

- **ROBERT SPOOR** – 126 Kennedy Rd. - TM#112.09-1-25- Application for a Double Area Variance to construct a detached garage with less than required front yard setback from 30’ to 11.55’ & exceeding the square footage allowed from 725’ to 864’ in a residential zone.

Mr. Urda – the applicant is requesting to construct a detached garage with less than required front yard setback from 30’ to 11.35’ and exceeding the allowed square footage from 750’ to 864’ in a residential zone. The applicant should be made aware that no parking is allowed in front of the garage within the Kennedy Road right-of-way. We suggest providing sufficient parking space of 18’ between the right-of-way and the structure. By doing this the garage would line up with the garage closer to the front line of the main wall of the house. This parcel is within the 100 year flood plain. They will need to coordinate with the Ordinance Office about a flood plain permit and building permit prior to construction. This is a Type II action under SEQR. This is also within the Town’s wellhead protection zones and is currently in compliance and will continue to do so. This is a minimal request to achieve the use and granting this variance would be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood. A favorable advisory is recommended.

Mr. Russell - The Ordinance Office is in support of this project with the condition of a building permit is required prior to starting the project.

Applicant was present to answer questions from the Board.

Mr. Blythe would you be willing to move the garage back 6’ to line up with the house?

There being no further comments a motion was made by Mr. Donnelly, seconded by Mr. Worden to forward a favorable advisory to the Zoning Board of Appeals for this double area variance with the condition moving the garage back 6’ closer to the front line of the main wall of the house so not to be in the right-of-way and a building permit prior to construction.

Roll Call: Ayes – 5 Nays – 0

There being no further business before the Board they unanimously agreed to adjourn the meeting at 7:17 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary