

PLANNING BOARD MEETING  
MONDAY, SEPTEMBER 12, 2016  
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12  
BINGHAMTON – NY – 13901

**PRESENT:** Brian Donnelly -Acting Chair  
Messer: Blythe, Carl, Worden and Boland

**ALSO, PRESENT:** Alex Urda P.E. - Town Engineer  
James DiMascio - Town Board Member

**ABSENT:** Cynthia Paddick – Chair  
Scott Russell – Assessor’s Aide

The meeting convened at 7:00 p.m., at which time Mr. Donnelly called the meeting to order and welcomed the audience. Mr. Donnelly 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 July 11, 2016.

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

Roll Call: Ayes – 5 Nays – 0 Absent – 1 (Ms. Paddick)

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**NEW BUSINESS**

- NONE

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**ADVISORY OPINIONS/REFERRALS**

- **E. MICHAEL MCGOWAN** – 18 Old River Rd. – TM#078.20-1-1- Double Use Variance to allow a storage trailer and to have the storage trailer without a principal use.

Mr. Urda, Town Engineer- The applicant is requesting a double use variance to have a metal storage container (8’ x 20’ x 8’ high) and to allow it without a primary residence. The owner stated the durability of the storage unit verses a wooden or metal shed to safely store his equipment, while residing out of state. The owner cites their personal use interests and the circumstances relating to their intent and

ownership of this parcel. Granting the variance is reasonable use of the land. With proper screening it could be in harmony with the general purpose and intent of this chapter Article VII §73-23 C Variances (2) (a), (b) and (c). The applicant addressing the four tests for a use variance. This is a Type II action under SEQR. Consideration should be taken Article VII §73-45 site plan approval is required for all nonresidential uses. A favorable advisory is recommended with the applicant providing an evergreen landscape to screen the storage container from public view.

Mr. DiMascio, Town Board Member read the Ordinance Office remarks in the absence of Scott Russell from the Ordinance Office. Keep in mind this is the Ordinance Office recommendations not necessarily mine. The Ordinance Office is not in support of the metal storage due to being in the opinion that it does not meet two of the four criteria for a use variance. The storage container does not meet the essential character of the neighborhood, and it is the Ordinance Office opinion that by selling off all of the property except this parcel was a self-created hardship.

Sara Couchman - Present for E. Michael McGowan.

Mr. Boland - You still own all of the surrounding properties. This is an agricultural area, farms you are allowed sheds or barns, unless it is different in today's code.

Mr. Urda – Anything related to farming is allowed. The applicant has to meet the use variance criteria.

Mr. Blythe – How long has the storage container been there?

Ms. Couchman– Approximately a year, my parents left in May, pretty confident it's been a year or less.

Mr. Boland – I have a problem with this. The Fire Company has several storage containers stacked on their property. You can't even see the container from the road. Is the visibly the problem? Why not paint Christmas trees or something on it so it blends in. Was there a complaint?

Ms. Aurelio – Yes there was a complaint regarding the storage container. That is how the Ordinance Office became aware of the situation. We inspected the site and the variance application was sent out to the owner and that is where we are now.

Mr. Donnelly – What are the 4 criteria they have to meet for a use variance?

Mr. Urda stated

- (1). The applicant cannot realize a reasonable return; provide that lack of return is substantial as demonstrated by competent financial evidence.
- (2). That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood.

(3). That the requested use variance, if granted will not alter the essential character of the neighborhood.

(4). That the alleged hardship has not been self-created.

Mr. Donnelly – I disagree with Scott’s recommendation. From a business aspect I can understand keeping the container. It is not self-created that is just the way it is.

Mr. Boland – I agree 100%, he should be allowed to have it. They can paint trees on the container so it blends in better and is not visible to the public.

Mr. Carl – I disagree by allowing this you are setting a precedent. So what if someone from New York or New Jersey that does not live in the Town decides to have storage containers on their vacant property they can. How will we be able to control this from popping up all over? I remember I had to have a Certificate of Occupancy on my house before constructing my out building. It would have been easier to build the out building first to store the housing materials.

Mr. Boland – This is located in a remote area, I disagree with Scott’s decision.

Mr. Worden – I disagree, Scott is only advising the Board the code side of it.

Mr. Carl – I feel it is self-created hardship, so I agree with Scott.

Mr. Boland – How about we have them come back in a year or two for review?

Mr. Blythe – How often do they come up to the land and do you use the property too?

Mr. Worden – Do you hunt on the land?

Ms. Couchman – My parents will be coming up a couple of times a year. We also use the land and equipment . Our whole family hunts on the land.

Boland – If you were the neighbor would you consider this storage container offensive to look at?

Ms. Couchman –I don’t think so but it is so far back you really cannot see it. Now they have just cleared out the right-of-way so the grey storage container is more visible.

Mr. Donnelly – Are we concerned about the look of it or the use?

There being no further discussion a motion was made by Mr. Blythe, seconded by Mr. Worden to refer this application to the Zoning Board of Appeals with a favorable advisory with the following stipulations: provide an evergreen landscape screening per the Town Engineer letter, paint existing grey storage trailer to green and no signage on the storage container.

Roll Call:           Ayes – 5                           Nays – 0                   Absent – 1 (Ms. Paddick)

Mr. Blythe – Just want everyone to know there is a petition being circulated in our neighborhood to have Jay Abbey, Binghamton Pre-Cast to return for site plan review. Mr. DiMascio, if you could update the rest of the Board what you told me what transpired with your meeting with Broome County regarding this issue.

Mr. DiMascio – We reached out to Jay Abbey, Daniel Schofield, and Cindy O’Brien our County Legislature regarding the trucks going up and down Highland Road. We had a meeting with Daniel Schofield, Scott Russell, Harold Snopek, Mr. Abbey and Pat Langdon at the County. They discussed options to move the truck traffic off Highland Road to Woodland Road. Rebuilding the County road would be too costly for Mr. Abbey and he did not want to incur the cost. Suggested the Town absorb the cost, but this is for a private business, so the Town would not bear this cost for him. The next option is to remove the 2 utility poles on Woodland Road for a better path. Currently they are getting estimates from NYSE&G for the removal of the utility poles. Mr. Abbey would shoulder most of the cost for the removal. That is where we stand for now.

The Board decided to meet on Tuesday, October 11, 2016, since the Town Hall will be closed on Monday October 10<sup>th</sup> for Columbus Day.

There being no further business to discuss there was a motion by Mr. Blythe, seconded by Mr. Carl to adjourn at 7:25 p.m.

**Respectfully submitted,**

**Diane Aurelio  
Ordinance Secretary**