

ZONING BOARD MEETING
THURSDAY—JUNE 30, 2022
ZONING BOARD OF APPEALS
7:00 PM TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NY 13901

Present: James Brewster, Chairperson
Aleta Kinne, Vice Chairperson
Scott Smith, Board Member
Jon White, Board Member
Ed Miller, Board Member

Also Present: Nicholas Cortese, Attorney
Gavin Stiles, Ordinance Officer
Kari Strabo, Zoning Secretary

Absent: Dan Wolters, Alternate Board Member

James Brewster: The hour being 7:00, I'm going to call the Town of Chenango Zoning Board of Appeals meeting to order. Kari, can we get a Board Member roll call, please?

Kari Strabo: Mr. Miller; present, Mr. White; present, Mr. Smith; present, Mrs. Kinne; present, Mr. Brewster; present.

James Brewster: Mr. Cortese it looks like we have a quorum so we will continue on with our meeting tonight. I want to welcome everybody, especially our newest member, Mr. Miller, to his first meeting. We have an alternate that's not here tonight, Dan Wolters. I guess we'll see him in a month or so. We have a pretty steep agenda tonight to get through so we'll get right to it. We have three new applications that we'll go through for new business and then we'll hold three public hearings and the way we do this is we hold each public hearing open and then typically close them and then carry on. And then we'll go to Board business where we'll go back through each public hearing and discuss and render a decision one way or the other on the applications. Before new business we'll do some housekeeping and that will be the approval of the minutes from the May 24th meeting. Does anybody have any comments, questions, additions, changes relative to the May 24th minutes?

Jon White: No, I'm good.

Scott Smith: Wonderfully done.

Aleta Kinne: I'll make a motion that we accept these minutes as final.

Scott Smith: I'll second it.

James Brewster: Motion made and seconded, Kari with a roll call please.

Kari Strabo:	Ed Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye

James Brewster, Chairperson

Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

James Brewster: Minutes are approved and can be posted to the website as soon as possible. Now we'll move onto new business. The first application is 2022-V09, Dave Owen of 6 Pine Dr, application for an area variance to construct a front porch with less than required front yard setback from 30' to 24' in a Residential zone and a short EAF. Is Mr. Owen here tonight? Folks don't have to be for the approval. Board Members, do we have anything to discuss on this application?

Jon White: It looks like the paperwork's in order from what I've seen.

Aleta Kinne: Yeah, I'm ok.

James Brewster: Nothing jumping out at you with regards to anything legal or anything as far as, that's the variance we're looking at, nothing else?

Nicholas Cortese: I don't see any issue with it. If there is an issue that we discover, then we'll have almost two months to get that ironed out and prepare for it at the public hearing. And I would just say that generally about any of the applications we're accepting tonight.

James Brewster: Ok, I just wanted to check that. Without any comments, I'll take a motion to move it through.

Jon White: I'll motion to accept this application.

Scott Smith: I'll second it.

James Brewster: Motion by Mr. White, seconded by Mr. Smith. Kari, with a roll call please and the motion is to move the application V09 through the Planning Board and then schedule it for our regular July meeting.

Kari Strabo:	Ed Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

James Brewster: Moving on now to application 2022-V10, Kathryn Mace of 194 Smith Hill Rd, application for an area variance to have two existing accessory structures in front of a principal structure in an Agricultural zone and a short EAF. Is Ms. Mace here? No, ok.

Aleta Kinne: I had a couple questions maybe Gavin can answer. This is a new house they're building?

Gavin Stiles: Brand new home.

Aleta Kinne: Could we know what the two accessories are?

Gavin Stiles: One of them appears to be a hunting cabin, I don't have the exact dimensions, maybe 16x20. It looks like they had the property, put a driveway back in there put a little shack, maybe hung out back there. And, there is an older shed/barn that's board and batten or shiplap, but they were

there and then they just plowed the road up a little farther and they're building a brand new house and they happened to be out front.

Aleta Kinne: So they're grandfathered in?

Gavin Stiles: Well, I don't know if they're grandfathered in.

Nicholas Cortese: The distinction here is that there was no residence there so I think it was just kind of like a vacant piece of property for all intents and purpose that just had a little hunting shack on it and the barn that Gavin was talking about. And, so now they are building a house, it's not that they have to knock down the structures but because they now are building a proper principal residence, they have to have the variance in order to make their parcel compliant. So, to the extent that it was preexisting non-confirming in the past, they are now changing what's there so the parcel needs to come into compliance at this point.

Scott Smith: Are they planning on using the buildings at all?

Gavin Stiles: I don't know why they wouldn't, they're not derelict. I can't speak for them, they're not derelict or crummy, they just happen to be in front of the principal structure.

Nicholas Cortese: What's the character of the parcel, is it surrounded by trees?

Gavin Stiles: Back in there pretty far. You wouldn't know they were back there until the leaves fell off the trees.

Ed Miller: And what makes that out of compliance, just that they are in front of the house?

Nicholas Cortese: Right, yes, and our Zoning regs, this is a backstory that you will come to know as you stick around the ZBA but there's been a lot of discussion and some changes with respect to whether or not accessory structures can be located in front of a primary residence or not and I think the changes were they can't be anywhere, right? They used to be split between Residential and Agricultural in a strange way?

Jon White: A residential with a detached garage in front?

Nicholas Cortese: But that's been changed now.

Jon White: Correct.

Gavin Stiles: Working on it anyway.

Nicholas Cortese: Ok, so it's going to be changed theoretically.

James Brewster: Everything good?

Jon White: Good on my part, all the paperwork seems to be in order.

Aleta Kinne: I'll make a motion.

Jon White: I'll second it.

James Brewster: Motion made and seconded to move this onto our Planning Board and schedule it for our July meeting. Before we do this, I'll just interject, did we want to put any commentary in there to have the Planning Board ask questions about this or are we satisfied now?

Aleta Kinne: I'm good.

Jon White: I would say we're satisfied because in her cover letter basically she bought it with the intention the buildings were already there, she didn't know she was going to be in noncompliance so I don't think that she's trying to dupe anybody.

James Brewster: Ok, well with motion on the floor and seconded, we'll go to a vote.

Kari Strabo:	Ed Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

Nicholas Cortese: Gavin, are those the only two accessories on the property?

Gavin Stiles: Just the two.

James Brewster: The next application to consider for moving to the Planning Board and our next meeting is 2022-V11, Kenneth West of 2537 NYS Rte 12, Application for an area variance to construct a detached garage with less than required side yard setback from 10' to 7' in a residential zone & short EAF. Mr. West, are you here tonight? No. Ok, well we've seen a flavor of this one before. Does anybody have any comments, questions on this one?

Jon White: No. We're just going through the formality of what we discussed last month.

Nicholas Cortese: Do you want to provide some background to Mr. Miller?

James Brewster: Yes. We saw Mr. West in May and he came with an application which was discussed, he's got a property next door.

Ed Miller: I was reading up on that.

James Brewster: So there's a 20-foot building to building type spread necessary for that and then we uncovered in the discussion in the Residential area it may also not be compliant with the property line setback. So, we kind of kicked that back to bring forward this variance.

Ed Miller: The one variance has already gone through basically, right?

James Brewster: Yes.

Jon White: We approved the 20-foot separation variance.

James Brewster: Correct and then this is an add-on for the property line. So, that's the application as it is for this one to consider and move through to July and of course the Planning Board again. I'll seek a motion on this if we don't have any other discussion.

Ed Miller: I'll make a motion.

Aleta Kinne: I'll second.

James Brewster: Motion made and seconded for 2022-V11 to move to the Planning Board and our meeting.

Kari Strabo: Ed Miller, Board Member Voted: Aye
Jon White, Board Member Voted: Aye
Scott Smith, Board Member Voted: Aye
Aleta Kinne, Vice Chairperson Voted: Aye
James Brewster, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

James Brewster: All right. Now we move onto our public hearings for tonight. At this time I'm going to open the public hearing for application 2022-V06 from Mr. James May. I'll read from the legal notice of public hearing.

**TOWN OF CHENANGO ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Town of Chenango on June 30, 2022 at 7:00 p.m. at Chenango Town Hall, 1529 NYS Rte. 12, Binghamton, NY upon the application of James H. May regarding property located at 35 Trafford Road in the Town of Chenango, Tax Map No. 111.12-1-31, and located in a Residential Zoning District. The application is for an Area Variance to locate a 288 sq. ft. carport on said property, which exceeds the maximum size of 200 sq. ft. for such structures in said District. The Board will review the environmental significance of the requested variance, if any, at said hearing.

This Area Variance application is open to inspection at the Town of Chenango Ordinance Office, 1529 NYS Rte. 12, Binghamton, NY. Persons wishing to appear at the hearing may do so in person or by other representation. Persons who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Dated: June 23, 2022

James Brewster, Chairman
Town of Chenango ZBA

James Brewster: Mr. May, what we do is we have five factors to consider for your application so I'm going to take you through those to get your opinion on that and then we'll open it up for public comment and go from there. Are you ready? Ok, number one factor that we consider, will the granting of this variance and your proposed project produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

James May: I don't believe so.

James Brewster: Ok, is there any other factors, why?

James May: I've got a 20-foot pontoon boat and this is why I want to put this up to put it underneath for the wintertime and my pontoon boat sets right there right now so all it would be would be a roof. I want to go with a metal carport, no sides so I don't see where it would change other than my pontoon sets there right now. I've already had it landscaped and paved. I extended my driveway up alongside my garage.

James Brewster: Any questions on that, Board Members?

Aleta Kinne: I have a question, maybe not about that but it looks to me like this would be a third accessory.

Gavin Stiles: He's already going to the Planning Board for that.

Nicholas Cortese: That's already been scheduled.

James Brewster: So you are going to the Planning board for what we were talking about up here, the carport being the third accessory?

James May: Yes.

Nicholas Cortese: Is that July or August?

Kari Strabo: I think it's July, he missed the June deadline.

Nicholas Cortese: Ok, I just need to know for public hearing notices.

Kari Strabo: I'll double check tomorrow.

James Brewster: Anything else on question one?

Jon White: One question I have is, is this going to be free-standing away from the garage?

James May: Yes.

Jon White: Ok. That's the only question I had.

James Brewster: Number two, can you achieve the goal of your project by some other method that will not require a variance? In other words, move it, not do it?

James May: Yeah I could pay storage someplace else for the winter for my pontoon but I would like to have it there.

James Brewster: Is that the only place on your property and why?

James May: Because I have a paved driveway it'd be much easier just to back it into there than it would be to put it somewhere else.

Aleta Kinne: It's a small lot.

James Brewster: We're just asking questions now, we can have the discussion when we do. All right, this is the third factor. In your opinion, is your variance request substantial? In other words, is it a big change from what the existing zoning allows?

James May: I don't think so. I keep my property up fairly well and I don't think it will be a big deal.

James Brewster: The zoning allows for 200 square feet, and you're asking for 288.

James May: My pontoon is 20 feet long, and you have the motor on the back, and it's 8.5 feet wide so I'm going 12-foot to make it easier to back under there. My other home, I had a 10-foot which was pretty tight. That's why I thought I'd go 12-foot and the 24 I really needed to cover the whole thing.

Scott Smith: I have a question for Gavin on that third structure. Would the 200-foot be ok?

Gavin Stiles: Yeah, as far as I know. Well, you'd have to go to the Planning Board for the special permission to have a third but I don't see how it would change anything.

Scott Smith: Ok, so that wouldn't require a variance though.

Gavin Stiles: No.

James Brewster: Number four, will the granting of this variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or the district?

James May: I don't believe so.

James Brewster: Not moving a lot of dirt to put this in?

James May: No, it's already landscaped.

James Brewster: Ok, questions on number four? Ok. Number five, is the difficulty encountered by your proposed project request for relief self-created? 99% of the time the answer is 'yes' so I'll help you out there, because you're asking for something that's out of zone. Ok. Thank you. Is there anyone here from the public who would like to speak for or against application 2022-V06? Hearing nothing, I do have correspondence that I will read, and we'll start off with our Ordinance Department.

Gavin Stiles: On V06, if approved just a building permit. No issues.

James Brewster: And also through the Planning Board but that doesn't affect here. So, we have a favorable from the Ordinance Department, our town engineer weighed in with a letter, a favorable referral with no engineering objections and no other comments. The Planning Board sent us along a favorable referral with no additional comments. The Town Drainage Coordinator approved the review with no additional comments. It went to Broome County Planning for a 239 assessment and they said a favorable review or referral with no countywide concerns and no additional comments. We did not receive any from the Broome County Health Department, public works, New York State DOT, or the BMTS. And, there was no additional public comment written or sent in and that concludes the correspondence we received on this application.

Scott Smith: Can I add a couple public comments from neighbors?

James Brewster: You got some?

Scott Smith: I do. Not written, but discussions. I'm a neighbor. It has been discussed in the neighborhood and we had several favorable opinions. None have been objected to it. He does keep his yard well. The neighbors across the street are for it so the neighborhood says it's a good idea and I think it's a good idea to have a pontoon boat with all the flooding we get.

James May: And I have already applied for a variance for the third structure.

James Brewster: We used to handle those special permits but Planning does now. I think that's why we were probably looking for them. It would've come across our desk in the past. Thanks for that information. It's good for the record to know that. I think with no other information I can close this public hearing and we can move on. I will close the public hearing on application 2022-V06 and we will move onto the public hearing for 2022-V07. Is the applicant here for V07 here tonight? Yes, ok. Now I'll open the public hearing for 2022-V07, Michael Haruk of 49 Swift Road and I'll read the official notice of public hearing.

**TOWN OF CHENANGO ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Town of Chenango on June 30, 2022 at 7:00 p.m. at Chenango Town Hall, 1529 NYS Rte. 12, Binghamton, NY upon the application of Michael W. Haruk regarding property located at 49 Swift Road in the Town of Chenango, Tax Map No. 065.00-1-32, and located in an Agricultural Zoning District. The application is for an Area Variance to construct a 1,728 sq. ft. detached garage/pole barn on said property, which exceeds the maximum size of 1,500 sq. ft. for such structures in said District. The Board will review the environmental significance of the requested variance, if any, at said hearing.

This Area Variance application is open to inspection at the Town of Chenango Ordinance Office, 1529 NYS Rte. 12, Binghamton, NY. Persons wishing to appear at the hearing may do so in person or by other representation. Persons who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Dated: June 23, 2022

James Brewster, Chairman
Town of Chenango ZBA

James Brewster: I will go through these five factors for you to consider and provide us with the best opinion you can. Number one, will the granting of this variance and your proposed project produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

Michael Haruk: I don't believe so, this is an Agricultural area. There's farms all over the place. There are four buildings at least within a mile of this place that are bigger. It's farms and farms have large buildings. This is not really big by local standards.

James Brewster: Number two, can you achieve the goal of your project by some other method that will not require a variance?

Michael Haruk: The building size is pretty tight for what I want to do. I can't think of an option that's going to work. Two small buildings maybe, not near as functional.

James Brewster: And your goal is, what are you storing?

Michael Haruk: Farming equipment, some vehicles, get everything under cover in a reasonably tight building. Plus, having everything close to my house is much easier than having it spread around the neighborhood in various barns and buildings.

James Brewster: So you have current barns/storage facility, right? Will that be remaining?

Michael Haruk: Probably.

James Brewster: Oh, it's a different number property. Ok. Any questions from anyone else? Ok. Number three, is your variance request substantial? Is it a big change from what the existing zoning allows?

Michael Haruk: 15% difference. I don't think that's a considerable change. It's a matter of opinion I suppose.

James Brewster: Anyone else? Questions? No, ok. Since you brought that up about a matter of opinion I was amiss earlier to explain some of these factors. These are guidance factors so if one comes up 'no' or two or whatnot, in the grand scheme of things that does not automatically reject the application as some other rules in different variances have. These are guidance for the Board just to have a substantial record for the proceedings. So, number four, will the granting of this

variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district?

Michael Haruk: No. I can't imagine, it's in a rural area.

James Brewster: Are you just building it on dirt, or on land, or on a slab?

Michael Haruk: It's being built on a flattened area that's out there. Eventually it will have a concrete floor but it's a pole building.

James Brewster: Questions on number four, anyone?

Ed Miller: That still has to have a building permit, right?

James Brewster: Yes. That'll be what Gavin will request. Number five, is the difficulty encountered by the proposed project request for relief self-created?

Michael Haruk: Apparently. It was unintentional on my part.

James Brewster: Ok, any questions on number five? Ok, thank you. Is anyone here tonight to speak in favor or against application V07?

Mark: I'm in favor of it. My name is Mark, I'm a neighbor and I live over on Houdlum Hill Rd. He has a beautiful property. It sits out there all by itself. He could put in ten buildings and it wouldn't affect the way the neighborhood looks. Take a drive up there, it's quite nice actually. I don't think anybody has a problem with what he wants to do. In fact, I'm kind of surprised we have to go through all this rigamarole just to do it.

Scott Smith: With a lot that size, is there a limit?

Gavin Stiles: Oh yeah.

Scott Smith: What's the limit?

Gavin Stiles: What are you saying, square footage limit or how many of them he can have?

Scott Smith: This guy's got a pretty good sized lot. How many barns could he put up?

Gavin Stiles: Well, two without getting a special permit. Two accessories to the principal.

Jon White: You're talking about density.

Gavin Stiles: And then there's lot coverage and you would never get involved in a lot coverage thing I would think, but he would have to deal with too many accessories. That'd be Planning Board stuff.

Scott Smith: I'm looking at the lot compared to mine and I'm thinking ok.

James Brewster: Is there anyone else who'd like to speak? No, ok. Thank you for answering the questions and thank you for chiming in as well. It's duly noted on the record and so now I will go and discuss what we have from our correspondence. First, we'll go over to the Ordinance Department.

Gavin Stiles: The Ordinance Department has no issue here. If it's approved we'll get a building permit and we'll move forward.

James Brewster: The town engineer weighed in via letter. The referral is favorable, no engineering objections. The Town Planning Board weighed in with a favorable referral and no additional comments. The Town Drainage Coordinator was approved, no additional comments. Broome County Planning,

favorable referral but they did want to make sure the project complied with Agricultural and Markets Law and you did fill out that form I noticed. Broome County Health Department weighed in, favorable with no additional comments and there was nothing from Broome County DPW, New York State DOT, BMTS, and no written correspondence from the public. Anything else? Otherwise I'll close this public hearing. I'm closing the public hearing now for application 2022-V07. I will open V08.

Ed Miller: I want to recuse myself.

James Brewster: You want to recuse yourself? Ok, so it's your son.

Nicholas Cortese: I agree with you. I think it's the right thing to do.

James Brewster: Ok. And we still have a quorum so we're good. Now I will open the public hearing for 2022-V08, Thomas Miller of 1325 River Rd. I'll read the legal notice.

**TOWN OF CHENANGO ZONING BOARD OF APPEALS
NOTICE OF PUBLIC HEARING**

TAKE NOTICE that a public hearing will be held by the Zoning Board of Appeals of the Town of Chenango on June 30, 2022 at 7:00 p.m. at Chenango Town Hall, 1529 NYS Rte. 12, Binghamton, NY upon the application of Thomas R. Miller regarding property located at 1325 River Road in the Town of Chenango, Tax Map No. 079.17-1-26, and located in an Agricultural Zoning District. The application is for an Area Variance to construct a home addition with a side yard setback of 5 ft., which is less than the minimum side yard setback of 20 ft. in said District. The Board will review the environmental significance of the requested variance, if any, at said hearing.

This Area Variance application is open to inspection at the Town of Chenango Ordinance Office, 1529 NYS Rte. 12, Binghamton, NY. Persons wishing to appear at the hearing may do so in person or by other representation. Persons who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Dated: June 23, 2022

James Brewster, Chairman
Town of Chenango ZBA

James Brewster: IS Mr. Miller here? Yes. I will start off, number one, will the granting of this variance and your proposed project cause an undesirable change in the character of the neighborhood or be a detriment to nearby properties? And, just kind of go into a little bit about what your building and then your opinion on the character of the neighborhood.

Thomas Miller: I think it'll help the character of the neighborhood, bring up property values a little bit. We're putting a garage in with a master bedroom above so it's going to be on slab, just the garage, no slab on the room above.

James Brewster: What's the property now? What do you have now?

Thomas Miller: Just a house with a garage. So, I'm adding on to the garage basically, going above it.

James Brewster: Ok. Anybody?

Jon White: You're doing this, so you want to stay there in the neighborhood and it's more cost effective for you to do this than try to sell it and try to buy another house in the neighborhood.

Thomas Miller: Yeah. The housing market right now is nuts and we like the neighborhood and we've done a lot of work to the house so we want to try to improve it.

James Brewster: Number two, can you achieve the goal of your project by some other method that will not require a variance?

Thomas Miller: No, the septic's on the other side of the house. The way we want to do it, we really can't go up the back because of the garage and then we'd have to put a driveway so then we'd need a variance anyways.

James Brewster: Do you have an existing driveway?

Thomas Miller: I do.

James Brewster: Any questions from the Board on number two? No, ok. In your opinion is your variance request substantial? Is it going to be a big change from what the existing zoning allows?

Thomas Miller: I don't think so.

James Brewster: Questions on that? Will the granting of this variance have an adverse effect or impact on the physical or environmental conditions of the neighborhood or district? Tearing up a lot? What's the drainage look like?

Thomas Miller: We'll dig over there, it's all stones so there's no drainage issues but we're just putting a slab in, not a full foundation so very little excavating and just going up above so very little disturbance. No trees coming down.

Nicholas Cortese: I know some of you guys were at the Planning Board meeting when they talked about their referral to you guys and the discussion did come up about putting in a new bedroom and doing a master bath as well and so adding the bathroom, would that cause you to have to install a larger septic tank and is your property large enough to accommodate the leach field and septic tank. What were you able to find out since that meeting?

Thomas Miller: Well basically it goes by bedrooms, not bathrooms, is what I found out.

Nicholas Cortese: Yes, actually that is true.

Thomas Miller: So, I've had several septic companies look at it (inaudible) 1500-gallon tank and no one seems to have an issue. The drainage there is unbelievable.

Nicholas Cortese: That was something that the Planning Board had raised.

Thomas Miller: There's plenty of room to add if I had to.

Nicholas Cortese: So, if you had to do a bigger one there'd be a leach field big enough for it.

Thomas Miller: It's all low-flow, low-flow toilets and faucets.

Jon White: The leach field would be big enough with the low-flow fixtures, he would just have to increase the tank size so whether it's replace a whole tank or a second tank in series.

Thomas Miller: Piggy back a 500-gallon tank, might as well just put a 1500 gallon or 1000 gallon if we had to.

James Brewster: All set? Ok. Number five, is the difficulty encountered by your proposed project request for relief self-created?

Thomas Miller: Yes.

James Brewster: Ok. Any questions on number five? No, ok. Is there anyone here tonight from the public to speak for or against application V08? Ok, in that case I will move along to correspondence. So, off to the Ordinance Department.

Gavin Stiles: No problems here. I guess will that ultimately go to the Health Department to determine whether or not you need that 1500?

Thomas Miller: They just recommended I have the contractor look at it.

Jon White: It goes by bedrooms, so he's increasing the bedrooms. You currently have a three bedroom?

Thomas Miller: Correct.

Jon White: And you're going to a four. So he has to put a septic tank.

Gavin Stiles: They recommended either one in series or jump the other?

Jon White: With low-flow fixtures, the leach field is satisfied enough size-wise to be able to do it, so he basically, as long as somebody can put a tank in, Broome County will give you a letter if you need one because even just tank replacement doesn't issue it. Only if it's into the leach field.

Gavin Stiles: I just didn't know if somebody above my pay grade was going to tell him you have to get a 1500-gallon tank.

Jon White: Ultimately he would talk with Matt Laine down at Broome County Health and get some sort of letter to keep you satisfied.

Gavin Stiles: Right, or if they say you know what, they have all the low-flow stuff, stick with the 1000 and see if you have any troubles. I don't know, I don't do septic stuff, that's all county. I just didn't know who was going to say you have to or you don't.

Jon White: As long as Broome County signs off on it.

James Brewster: They addressed it in the letter I got, I'll read it.

Aleta Kinne: That's more of Planning Board, we're just doing the setback.

Nicholas Cortese: Right. I think Gavin's talking about building permit issuance, that's all.

James Brewster: It sounds like it'll have to be ironed out somehow but that's not us. The town engineer, his letter was ultimately favorable but he did comment to say please satisfy the Broome County Health Department comments and confirm your location of the setback by survey. That's just his recommendation. The Planning Board sent us a favorable advisory with no comment. The Town Drainage Coordinator approved the assessment that we send to him, no additional comments. Broome County Planning was favorable, no significant impacts from Planning. The site plan should show drainage, was their recommendation. But, you've already been through that. Broome County Health Department, they addressed the tanks that we just talked about. However, for the record, I will read that into record so everybody can hear the language. And this came through email from Matt Laine at the Health Department: "A replacement system was installed in 2006 based on a BCHD design and approved. Installed system was based on a 3-bedroom home with original water fixtures (toilets, faucets and showerheads) using 450 gallons per day. If low flow water fixtures have since been, or will be, installed, the current absorption bed (15' x 32' w/ 3 laterals) will be able to accommodate the new required usage of 440gpd

a 4-bedroom home without further modification to absorption area. If low flow fixtures will not be installed, expansion of the absorption area will be required.

The existing 1000-gallon septic tank is acceptable for a 3-bedroom home only. An additional bedroom will require the installation of a ≥500-gallon septic tank in series with the existing tank, or replacement of existing tank with a 1250-gallon septic tank.

BCHD requirements are as follows:

-An Application for Sewage Disposal Construction Permit will need to be submitted to the Broome County Health Department. A set of Broome County Health Department approved septic system plans will need to be obtained before construction begins.

-Addition of a ≥500-gallon septic tank in series with the existing tank or replacement of existing tank with a 1250-gallon septic tank.

-Confirmation of low flow fixture installation if present.

-Expansion of absorption area if low flow fixtures not present and will not be installed.”

And that’s the end of the letter. There were no comments from Broome County DPW, New York State DOT, BMTS, and no public comments received in writing. And with that I will close the public hearing for application 2022-V08. All right, so now we’ll go back to application V06 and it will be just the Board will have the floor and we’ll have discussion on these applications. This one needs an EAF?

Nicholas Cortese: Yes, every one but V08 needs to do SEQR because both of these are unlisted.

James Brewster: Ok. I think we’re ready to SEQR then.

Nicholas Cortese: We have the part one for application V06 already submitted, the EAF. This is part two. Of course as you know I ask you a series of questions as to whether or not you think there will be no or small environmental impact, or a moderate to large environmental impact. In response to the question if you believe the answer is ‘no or small impact,’ just answer ‘no.’ If you believe there will be a moderate to larger impact answer ‘yes.’

Number 1--Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board: No.

Nick Cortese: Number 2—Will the proposed action result in a change in the use or intensity of use of land?

Board: No.

Nick Cortese: Number 3—Will the proposed action impair the character or quality of the existing community?

Board: No.

Nick Cortese: Number 4—Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board: No.

Nick Cortese: Number 5 – Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?

Board: No.

Nick Cortese: Number 6 – Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nick Cortese: Number 7 – Will the proposed action impact existing:
a. public/private water supplies?
b. public/private wastewater treatment utilities?

Board: No to both.

Nick Cortese: Number 8 – Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

Nick Cortese: Number 9 – Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

Board: No.

Nick Cortese: Number 10 – Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Board: No.

Nick Cortese: Number 11 – Will the proposed action create a hazard to environmental resources or human health?

Board: No.

Nicholas Cortese: So you’ve answered no or small impact for all of the questions in part two. Therefore, I would assume that under part three you’ll be issuing a negative declaration under SEQR. If that is the case you can make the motion to that affect at any time.

Aleta Kinne: I so make that motion.

Jon White: I’ll second it.

James Brewster: Motion made and seconded.

Kari Strabo: Ed Miller, Board Member Voted: Aye
Jon White, Board Member Voted: Aye
Scott Smith, Board Member Voted: Aye
Aleta Kinne, Vice Chairperson Voted: Aye
James Brewster, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of:
Ayes – 5 Nays – 0

James Brewster: We’ve adopted a negative declaration under SEQR for application V06.

Jon White: One thing we should consider as a Board is maybe putting a possible condition on this in the aspect of if he was, because this is not going to be a permanent carport, if he was to sell the

boat maybe then that the carport comes down, a condition like that? What does everybody else think?

Nicholas Cortese: I don't think that you can place a condition like that on an area variance. Area variances run with the land, they're permanent. You can place conditions on ancillary features of it that directly relate to the variance but this will have the effect of always allowing a 288 square foot carport on that property. However, to your point about conditions, I would suggest to the Board that you conditionally grant the variance on the Planning Board granting the special permit for three accessory structures.

Jon White: Ok.

Aleta Kinne: I amend my motion to that.

James Brewster: Ok. Did you move already?

Nicholas Cortese: You made a motion to SEQR, not for the resolution yet.

Aleta Kinne: Ok.

James Brewster: Do we have anything else?

Jon White: That was my only thing, he takes very nice care of the property. I don't blame the guy for wanting to keep it under cover, they're expensive. I'm just looking at ok, what happens if he sells the boat five years later, it's not a permanent structure, that's all. He could put anything he wants in there after that.

Nicholas Cortese: That would still be true, but somebody else in the future would also have the opportunity to build a slightly oversized carport.

Jon White: You could build it attaching to the garage and then still basically be a carport. I have no objection to it. I think what he's trying to do is protect his interests and he keeps his property up and it looks nice. So, I wouldn't want to see, if Mr. May should sell the property and its bought by somebody else and they still have the right to have that carport and God only knows what happens.

Aleta Kinne: We used to do that sort of thing. The changes were made and it goes to Planning for special permits, we don't do that anymore. They do it.

James Brewster: So, if we don't have anything else I'll have Nick take us through the resolution if we're ready for that.

Nicholas Cortese: So, the fact finding as you're used to. For Mr. Miller's edification, Jim had previously gone through the five factors that the Board has to consider for the granting of the area variance. I'm going to go through all the factors and you guys just make determinations on your findings of fact. I'm editing the resolution as we go and this will end up being the final thing that you'll vote on in a couple minutes here. Will or will not the requested variance produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties?

Board: Will not.

Nicholas Cortese: Can the benefit sought by the applicant be achieved by another method other than a variance?

Aleta Kinne: Cannot.

Scott Smith: Apparently not. Can he do it another way?

Nicholas Cortese: You're the Board Member, I don't know.

Jon White: The only other thing he could do is store it somewhere else, pay somebody to store it.

Scott Smith: Or store it uncovered.

Nicholas Cortese: True. But I think that his objective is to store it covered. So could he store it covered any other way other than getting the variance he's asking for?

Scott Smith: No, he couldn't.

Nicholas Cortese: Is that the general consensus?

Board: Yes.

Nicholas Cortese: Is it or is it not substantial?

Board: Is not.

Nicholas Cortese: Would the requested variance or would it not have an adverse effect or impact on the environmental conditions of the neighborhood?

Board: Would not.

Nicholas Cortese: Is it or isn't it self-created?

Board: It is.

Nicholas Cortese: Ok. Based on these answers, is this resolution to approve or deny this variance?

Board: Approve.

Nicholas Cortese: Obviously it's up to you, but I had recommended the condition that the variance be conditioned on the Planning Board granting the special permit for him to have more than two accessory structures on the property. Is that something you would like to include or no?

Board: Yes.

**ZONING BOARD OF APPEALS
Town of Chenango, Broome County, New York**

In the Matter of the Application #: 2022-V06 of James H. May
for an area variance to locate an accessory structure (carport)
exceeding the maximum size for such structures in a Residential District

RESOLUTION ON AREA VARIANCE APPLICATION #: 2022-V06

WHEREAS, on or about May 6, 2022, James H. May ("Applicant"), duly filed an application for an area variance for property he owns within the Town, located at 35 Trafford Road in the Town of Chenango, Tax Map No. 111.12-1-31, and located in a Residential Zoning District, wherein Applicant requested an area variance to locate a 288 sq. ft. carport on said property, which exceeds the maximum size of 200 sq. ft. for such structures in said District; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on June 30, 2022 that the requested variance constitutes an Unlisted Action as defined under said regulations. The ZBA has considered the possible environmental impacts of the requested variance and

has determined that it will not have a significant adverse impact on the environment, and the ZBA adopts a negative declaration with respect thereto; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the ZBA held a public hearing to consider said application on June 30, 2022 at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, the ZBA has duly reviewed and considered all documents submitted by the Applicant, as well as the reports and recommendations, if any, of the New York State Department of Transportation, Broome County Department of Planning and Economic Development, the Town of Chenango Planning Board, Engineer, Ordinance Officer and Drainage Coordinator, and has carefully considered all of the information presented and received at the public hearing on behalf of the Applicant and the public with respect to Applicant's application.

NOW, THEREFORE, BE IT RESOVED by the Zoning Board of Appeals of the Town of Chenango, Broome County, New York, as follows:

1. The requested variance **will not** produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties.
2. The benefit sought by the Applicant **cannot** be achieved by another method, other than the grant of an area variance.
3. The requested area variance **is not** substantial.
4. The requested variance **would not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The hardship giving rise to the variance request **is self-created**.
6. The entire record of this proceeding supports the conclusion that the benefit to the Applicant conferred by the granting of an area variance **outweighs** any potential detriment to the health, safety and welfare of the neighborhood or community posed by such grant.
7. Therefore, the Applicant's application #: 2022-V06 for an area variance to locate a 288 sq. ft. carport on said property, which exceeds the maximum size of 200 sq. ft. for such structures in the Residential District, is **granted with the following conditions: Subject to Planning Board approval on special permit for more than two accessory structures on the property.**
8. This Resolution shall take effect immediately.

At a meeting of the Zoning Board of Appeals of the Town of Chenango, held on June 30, 2022 at Chenango Town Hall, 1529 NYS Route 12, Binghamton, New York 13901, the foregoing motion was made by Scott Smith and seconded by Aleta Kinne. The ZBA members voted as follows:

James Brewster, Chair	Voted: Aye
Aleta Kinne	Voted: Aye
Scott Smith	Voted: Aye
Jon White	Voted: Aye
Edward Miller	Voted: Aye

The motion was thereupon declared adopted by a roll-call vote of 5-0.

James Brewster: All right. Your application is conditionally approved, pending Planning Board approval.

Nicholas Cortese: This is application number V07, this one is for the oversized pole barn and so again this is an unlisted action under SEQR. Number 1--Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?

Board: No.

Nick Cortese: Number 2—Will the proposed action result in a change in the use or intensity of use of land?

Board: No.

Nick Cortese: Number 3—Will the proposed action impair the character or quality of the existing community?

Board: No.

Nick Cortese: Number 4—Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board: No.

Nick Cortese: Number 5 – Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?

Board: No.

Nick Cortese: Number 6 – Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

Nick Cortese: Number 7 – Will the proposed action impact existing:
a. public/private water supplies?
b. public/private wastewater treatment utilities?

Board: No to both.

Nick Cortese: Number 8 – Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

Nick Cortese: Number 9 – Will the proposed action result in an adverse change to natural resources (e.g. wetlands, waterbodies, groundwater, air quality, flora, and fauna)?

Board: No.

Nick Cortese: Number 10 – Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?

Board: No.

Nick Cortese: Number 11 – Will the proposed action create a hazard to environmental resources or human health?

Board: No.

Nicholas Cortese: You've answered no or small impact as it relates to this particular application on part two of the EAF. Under part three I would presume that you would be making a motion to make a negative declaration under SEQR. If that is the case you can make that motion at any time.

Jon White: I will motion for a negative declaration under SEQR.

Scott Smith: Second.

James Brewster: Motion made by Mr. White and seconded by Mr. Smith, vote please.

Kari Strabo:	Ed Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

The motion was thereupon declared adopted by a roll call of:

Ayes – 5 Nays – 0

James Brewster: Ok, we have passed a negative declaration under SEQR for application V07. Do we have any general comments, any discussion before we get into the factors and the resolution?

Jon White: Honestly, I think it's good for him. He can keep his stuff under cover. It's close to home, security purposes and just you don't have to travel a quarter of a mile to go check on your stuff so I think it's good and he's got plenty of property to do it and it fits in with the property. The whole landscape of everybody out there.

James Brewster: It seems to fit and you're right on the Town border, right?

Michael Haruk: Yeah.

James Brewster: So, across the way you made a point that there's a lot of big farm buildings out there.

Aleta Kinne: We being in Agricultural and having a pole barn for our equipment and knowing how you have to jockey it around in there to fit it all in, I approve.

James Brewster: One thing I did want to cover was, did we have any comments on the Agricultural form?

Aleta Kinne: No.

James Brewster: No?

Nicholas Cortese: You're talking about the Ag Data Statement?

James Brewster: Yes.

Nicholas Cortese: That's a very specific and esoteric form. The purpose of it is to notify people that are in state-certified Agricultural Districts that something is happening on the property for all intents and purposes. And, so he filled out the form. My presumption is that the towns sent it out to anybody that's in a state-certified Agricultural District within 500 feet and nothing else needs to happen with it. It's just to let folks know and they can show up or not show up. Nobody showed up so...

James Brewster: Ok, thanks for the explanation on that. It's just what we needed to know.

Nicholas Cortese: We actually dealt with this on another application in front of the Planning Board a while ago. It's fresh in my mind but I'd say I only deal with a situation like this maybe every two years probably. It's uncommon but when you get out into rural areas it's more and more common and people forget about it all the time.

James Brewster: Well we had it come up in the cell tower but we never got that far.

Jon White: They'd probably be bigger structures too, wouldn't it, Nick? Involve bigger structures? Like on a farm that's building a 100-1000 head of cattle to milk so they'd need a big, big barn to milk these animals so you would be talking a lot bigger buildings.

Nicholas Cortese: That's a totally different scenario because if you're running an active dairy operation you can just build a barn because of right-to-farm laws, you don't even have to come in for a building permit or anything like that. You can just do it because you're a farmer farming. Do you farm on your property or you just have a lot of gear?

Michael Haruk: I'm not farming profitably, I'll put it that way.

Nicholas Cortese: Ok. Fair enough, it's not your business, right?

Michael Haruk: No.

Nicholas Cortese: Ok, there you go. So it's necessary in a scenario like this where you're building for a non-active farm use. It's basically to notify farmers around you who are theoretically farmers, although I think a lot of people who are in state-certified Agricultural Districts don't actively farm, they just happen to have that designation because it was that way in the past or whatever and so end of the day, when you're putting a non-agricultural building in a state-certified Agricultural District or within 500 feet of one, you fill out this form that notifies the people, the people can come and complain about it or support it or do nothing. In this case they did nothing so we can move on.

Scott Smith: How many active animals would make a farm?

Nicholas Cortese: It's based on if you're actually running a business out of there so let's say you can have a gentleman's farm or something like that and I think that if you're making a certain threshold of money then it's an active farm operation or something like that. But, if you just have like goats that hang out or whatever, that's not what it's intended to be. It's intended to be like a full-up thing that you're running a business on your property.

Jon White: I was told you had to make \$10,000 a year.

Nicholas Cortese: I think that that is the number.

Aleta Kinne: Yes. I have to fill out that form to be in the county or state Ag District, it's \$10,000 a year but we're talking Town of Chenango Ag District, not the state or federal.

James Brewster: Right. I think we've put that to bed.

Aleta Kinne: There's two different things and people seem to get it mixed. So, to be in Agricultural in the Town of Chenango you have to be in an Ag zone and you could have six chickens if you wanted.

Jon White: Or have horses or cows...

Aleta Kinne: Or a donkey like next door. That's my opinion.

Nicholas Cortese: I like your opinion.

Aleta Kinne: Thank you.

James Brewster: I think we've satisfied the concerns of the agency that asked us to look into it. So, take us through the resolution please.

Nicholas Cortese: Sure. So, going through the factors again on this particular application, will the requested variance or will it not produce an undesirable change in the neighborhood?

Board: Will not.

Nicholas Cortese: Can or cannot the benefit be achieved by another method other than obtaining a variance?

Board: Cannot.

Nicholas Cortese: Is it or is it not substantial?

Board: Not.

Nicholas Cortese: Would it or would it not have an adverse effect on the physical or environmental conditions of the neighborhood?

Board: Will not.

Nicholas Cortese: Is it or isn't is self-created?

Board: Is.

Nicholas Cortese: All right, so is this resolution to grant or deny the variance?

Board: Grant.

Nicholas Cortese: And, are you imposing any conditions?

Board: No.

**ZONING BOARD OF APPEALS
Town of Chenango, Broome County, New York**

In the Matter of the Application #: 2022-V07 of Michael W. Haruk
for an area variance to locate an accessory structure (detached garage/pole barn)
exceeding the maximum size for such structures in an Agricultural District

RESOLUTION ON AREA VARIANCE APPLICATION #: 2022-V07

WHEREAS, on or about May 16, 2022, Michael W. Haruk ("Applicant"), duly filed an application for an area variance for property he owns within the Town, located at 49 Swift Road, designated as Tax Map No. 065.00-1-32, and located in an Agricultural Zoning District, wherein Applicant requested an area variance to construct a 1,728 sq. ft. detached garage/pole barn on said property, which exceeds the maximum size of 1,500 sq. ft. for such structures in said District; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on June 30, 2022 that the requested variance constitutes an Unlisted Action as defined under said regulations. The ZBA has considered the possible environmental impacts of the requested variance and

has determined that it will not have a significant adverse impact on the environment, and the ZBA adopts a negative declaration with respect thereto; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the ZBA held a public hearing to consider said application on June 30, 2022 at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, the ZBA has duly reviewed and considered all documents submitted by the Applicant, as well as the reports and recommendations, if any, of the New York State Department of Transportation, Broome County Department of Planning and Economic Development, the Town of Chenango Planning Board, Engineer, Ordinance Officer and Drainage Coordinator, and has carefully considered all of the information presented and received at the public hearing on behalf of the Applicant and the public with respect to Applicant's application.

NOW, THEREFORE, BE IT RESOVED by the Zoning Board of Appeals of the Town of Chenango, Broome County, New York, as follows:

1. The requested variance **will not** produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties.
2. The benefit sought by the Applicant **cannot** be achieved by another method, other than the grant of an area variance.
3. The requested area variance is **not** substantial.
4. The requested variance **would not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The hardship giving rise to the variance request is self-created.
6. The entire record of this proceeding supports the conclusion that the benefit to the Applicant conferred by the granting of an area variance **outweighs** any potential detriment to the health, safety and welfare of the neighborhood or community posed by such grant.
7. Therefore, the Applicant's application #: 2022-V07 for an area variance to construct a 1,728 sq. ft. detached garage/pole barn on said property, which exceeds the maximum size of 1,500 sq. ft. for such structures in the Agricultural District, is **granted**.
8. This Resolution shall take effect immediately.

At a meeting of the Zoning Board of Appeals of the Town of Chenango, held on June 30, 2022 at Chenango Town Hall, 1529 NYS Route 12, Binghamton, New York 13901, the foregoing motion was made by Aleta Kinne and seconded by Ed Miller. The ZBA members voted as follows:

James Brewster, Chair	Voted: Aye
Aleta Kinne	Voted: Aye
Scott Smith	Voted: Aye
Jon White	Voted: Aye
Edward Miller	Voted: Aye

The motion was thereupon declared adopted by a roll-call vote of 5-0.

James Brewster: Application V07 is approved. Build away with a building permit. All right, we do not do SEQR for V08.

Nicholas Cortese: Correct, because individual setback variance applications are type II actions under SEQR so SEQR review is not necessary for V08.

James Brewster: So, Mr. Miller on the Board will be going back into recusal mode for this application so it will be the four of us so we can go right into discussion about the application. Any general comments before we get into the resolution on this? Concerns?

Jon White: With that being a garage, the driveway is going to be 5-6 feet off the property line. That's still going to fall under the same variance, correct? Because isn't there a setback for the driveway?

Nicholas Cortese: The driveway is there already.

Jon White: That's why I'm asking, that's what I figured that that was kind of still tied in or not, not existing for the purpose of the variance.

Nicholas Cortese: It's not part of the variance.

Jon White: That's what I was trying to get at.

Nicholas Cortese: Got it.

Aleta Kinne: I think we should encourage young families to stay in the Town of Chenango. I'm sure it's going to change his taxes, tax base. So, I am in favor of it.

James Brewster: All right, are we ready to go to the resolution, discuss anything further there?

Jon White: I'm good on what we talked about earlier.

James Brewster: Ok, take us to the resolution.

Nicholas Cortese: Ok, so this is for application V08, this is the addition with the side yard setback variance. Will the variance or will it not produce an undesirable change in the character of the neighborhood?

Board: Will not.

Nicholas Cortese: Can or cannot the benefit be achieved by another method that the applicant is seeking?

Board: Cannot.

Nicholas Cortese: Is it or is it not a substantial variance? 20 feet to five.

James Brewster: 80% reduction.

Board: Is substantial.

Nicholas Cortese: Would it or would it not have an adverse impact on the physical or environmental conditions of the neighborhood?

Board: Would not.

Nicholas Cortese: Is it or isn't it self-created?

Board: It is.

Nicholas Cortese: Will this resolution be to approve or deny the variance?

Board: Approve.
Nicholas Cortese: Any conditions or are you good to just grant it outright?
Board: Grant it outright.
Nicholas Cortese: Perfect.

**ZONING BOARD OF APPEALS
Town of Chenango, Broome County, New York**

In the Matter of the Application #: 2022-V08 of Thomas R. Miller
for an area variance to construct a home addition with a side yard setback
that is less than the minimum side yard setback of 20 ft. in an Agricultural District

RESOLUTION ON AREA VARIANCE APPLICATION #: 2022-V08

WHEREAS, on or about May 16, 2022, Thomas R. Miller (“Applicant”), duly filed an application for an area variance for property he owns within the Town, located at 1325 River Road, designated as Tax Map No. 079.17-1-26, and located in an Agricultural Zoning District, wherein Applicant requested an area variance to construct a home addition with a side yard setback of 5 ft., which is less than the minimum side yard setback of 20 ft. in said District; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on June 30, 2022 that the requested variance constitutes a Type II Action as defined under said regulations and, thus, no formal review of the potential environmental impacts of said variance is required; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the ZBA held a public hearing to consider said application on June 30, 2022 at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, the ZBA has duly reviewed and considered all documents submitted by the Applicant, as well as the reports and recommendations, if any, of the New York State Department of Transportation, Broome County Department of Planning and Economic Development, the Town of Chenango Planning Board, Engineer, Ordinance Officer and Drainage Coordinator, and has carefully considered all of the information presented and received at the public hearing on behalf of the Applicant and the public with respect to Applicant’s application.

NOW, THEREFORE, BE IT RESOVED by the Zoning Board of Appeals of the Town of Chenango, Broome County, New York, as follows:

1. The requested variance **will not** produce an undesirable change in the character of the neighborhood or cause a detriment to nearby properties.
2. The benefit sought by the Applicant **cannot** be achieved by another method, other than the grant of an area variance.
3. The requested area variance is substantial.
4. The requested variance **would not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
5. The hardship giving rise to the variance request is self-created.

6. The entire record of this proceeding supports the conclusion that the benefit to the Applicant conferred by the granting of an area variance **outweighs** any potential detriment to the health, safety and welfare of the neighborhood or community posed by such grant.
7. Therefore, the Applicant's application #: 2022-V08 for an area variance to construct a home addition with a side yard setback of 5 ft., which is less than the minimum side yard setback of 20 ft. in the Agricultural District, is **granted**.
8. This Resolution shall take effect immediately.

At a meeting of the Zoning Board of Appeals of the Town of Chenango, held on June 30, 2022 at Chenango Town Hall, 1529 NYS Route 12, Binghamton, New York 13901, the foregoing motion was made by Jon White and seconded by Scott Smith. The ZBA members voted as follows:

James Brewster, Chair	Voted: Aye
Aleta Kinne	Voted: Aye
Scott Smith	Voted: Aye
Jon White	Voted: Aye
Edward Miller	Voted: Recused

The motion was thereupon declared adopted by a roll-call vote of 4-0-1 (recused—Ed Miller).

James Brewster: V08 has been approved. That brings us to the end of our business tonight. Does anybody have anything for the good of the order? No? Any questions? Ok. All right, in that case and on the presumption that nobody will object, I will adjourn the meeting. (8:19 PM)

Respectfully Submitted,



Kari Strabo, Sr. Clerk