

ZONING BOARD MEETING
TUESDAY—JULY 27, 2021
ZONING BOARD OF APPEALS
7:00 PM—TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NY 13901

Present: James Brewster, Chairperson
Aleta Kinne, Vice Chairperson
Melanie Pandich, Board Member
Scott Smith, Board Member
Jon white, Board Member
Webb Sisson, Alternate Board Member

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

James Brewster: It's 7:01, I will call the July meeting of the Town of Chenango Zoning Board of Appeals to order and can we have roll call attendance for the Board, please?

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

James Brewster: Ok counselor, we have a quorum we may continue. First order of business is to approve the minutes from June 22 meeting. Just as a point of order, you won't vote on that (Jon) since you were not here, so the rest of us will take care of that and so are the minutes for June 22 complete or do we have any questions, Board Members, on that?

Aleta Kinne: Looks complete.

James Brewster: Ok, then we're going to do it a little different this time, I sent out that memo earlier today, we're back to kind of presumed normal so I'll seek a motion to approve those minutes.

Aleta Kinne: I so move.

James Brewster: Ok, do we have a second?

Scott Smith: Second.

James Brewster: Ok, Scott. All right, voice vote, all in favor of approval say 'aye.'

Board Members: Aye.

James Brewster: All opposed? No, ok, any abstentions?

Jon White: Aye.

James Brewster: Ok. Minutes for June are approved by a 4-0-1 vote. All right, new business. We have application 2021-V08, from Eric Segal, an application for a double area variance for a pole barn in an Agricultural Zone exceeding the maximum size from 1500' to 2350' and placement in front of the principal structure and a short EAF. So, members, are there any questions about the application?

Aleta Kinne: I noticed that on the short EAF number five was not checked, if he could finish that.

James Brewster: Ok, we'll have to send a note through Ordinance to have them address that. Perhaps the engineer when he evaluates that form will also address that too.

Nick Cortese: Yeah, Alex always makes comments during the Planning Board review to kind of help the applicants get everything squared away.

James Brewster: Anything else from anybody? Package looked complete to me. Then I'll seek a motion regarding application 2021-V08 to move it forward to Planning and schedule it for our August meeting.

Melanie Pandich: I'll make a motion.

Jon White: I'll second.

James Brewster: Ok, motion made by Melanie, seconded by Jon, and these get a roll call vote, Kari.

Kari Strabo: Jon White, Board Member Voted: Aye
 Scott Smith, Board Member Voted: Aye
 Melanie Pandich, 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, V08 will go to Planning and be scheduled for our August meeting. Moving onto application 2021-V09, Tesla/Electrify America, an application for a triple area variance to construct 12 EV Charging Stations with less than required lot size from 6 acres to .65 acres, less than required front yard setback from 30' to 16.3', and a side setback from 10' to 3.9'. This all occurs in a PDD-C zone and we'll have to do the short EAF. Do we have any questions about the application from the Board Members?

Aleta Kinne: I have a comment. I don't know if Gavin can help out with this because the applicant isn't here. The maps that we got are very dark, I see the highway, the ramp, I see everything but the creek. Could we lighten the map up a little or something so the creek shows?

Gavin Stiles: I suspect we could make that happen.

Aleta Kinne: That big old ugly creek is right close there.

James Brewster: For the record, it looks like the satellite photo maps were the ones that are coming out pretty dark.

Gavin Stiles: Google Earth is in color, GIS is pretty tight. I didn't generate those, I don't know who generated those but I suspect we could probably do something to make them look a little tighter than that.

Aleta Kinne: Ok. Yeah, if we could have that before the public hearing.

James Brewster: Yeah, if they could get a handle on a color printer, that could work.

Aleta Kinne: I think across the road here also is sort of a wetland spot.

Gavin Stiles: Heading towards the DOT.

Aleta Kinne: Not that there's any big change in the plans, it's just I'd like to see it on the map.

James Brewster: Anybody else? I have something but I'll go last. I should say, Webb, feel free to comment.

Webb Sisson: I'll listen first.

James Brewster: I understand. But if you have any, any time.

Webb Sisson: I will. Be sure of that.

James Brewster: Ok. The Alternate is an interesting position but we tend to have the alternates contribute as well as the Members.

Jon White: One question that I have, is why do they have to have 12 spaces? Is it a financial concern to them or is this something they are trying to maximize lot space to get as much in as they could? Because maybe if you take away a couple of spaces, could they do it without some of the side setback encroachment?

James Brewster: That's a great question for the public hearing, assuming we can get the application to the public hearing, and that's what we're working on now.

Jon White: Yeah, that's just one opinion I had, is there financial constraints? And then I have read the letter that they sent Kari just today about the Special Meeting. I know we're getting toward fall, we've had a rainy July but is it really necessary? But I would go with it if that's what they wanted and if they're going to pay for it, so be it.

James Brewster: Ok, well since we brought that up I was going to go there next, that is now a part of the application that the representative for this project, there's a lot of hands in the pie, but the representative managing this sent us a letter to request a Special Meeting to be called shortly after the Planning Board meeting in August and before our regularly scheduled meeting. They did state as you pointed out in the letter that they are willing to pay the 500-dollar charge so as far as I'm concerned everything lines up. It's just a matter of our availability so I had sent you a note on that to check your calendars before the meeting and see if that would be feasible sometime from August 10th onward that week. I think we want to try to get it done that week, a Tuesday is kind of our block to keep open.

Aleta Kinne: You're talking about the public hearing?

James Brewster: Yes, I'm talking about the public hearing, they want a special meeting for the public hearing. You may not have gotten that email today.

Aleta Kinne: I did not.

Scott Smith: We would be accepting the application tonight and scheduling a public hearing on an alternate date.

James Brewster: That is correct.

Jon White: I've said what I had to say about it, everybody else feel free to...

James Brewster: Ok, by State Law it's the Chairman's call but I do want to solicit everyone's advice because we have to find a date so we have to make sure that we can have a quorum on that date. My first proposal is to do it on Tuesday, August 10th.

Melanie Pandich: That's fine.

Jon White: That'd be fine by me.

James Brewster: Ok.

Nick Cortese: I have a Town Board meeting that night in another municipality but I can get coverage for that for that evening and if I can't get coverage for that evening I will figure it out but I will make sure that either I or someone who knows a lot about this is here.

James Brewster: I could go the 11th, which would be that Wednesday.

Nick Cortese: Don't leave it up to me. The second week of the month is generally the worst week of the month as far as municipal meetings are concerned for my personal schedule but that's why we have 12 municipal attorneys.

James DiMascio: Gentlemen, I don't mean to interrupt but we have a work session on the 11th and unfortunately, they've been running long.

James Brewster: Good call. So, Tuesday it's looking like.

Nick Cortese: If you guys can do it just do it.

James Brewster: Yeah. And you'll figure it out. Ok. Well then, I will recommend, because we still have to do the formal approval for passing the application through, that we set the date for a Special Meeting for August 10 at 7 PM for the public hearing on application 2021-V09. So, without any other questions or comments I will seek that motion to approve the application and schedule a special meeting on August 10, and the applicant understands that there's a charge, they've acknowledged that, for the Special Meeting and it seems like they're willing to pay so let's go forward with that. Anybody want to move on what I summarized there?

Scott Smith: So moved.

Aleta Kinne: I'll second.

James Brewster: Let's do a roll call vote.

Kari Strabo: Jon White, Board Member Voted: Aye
 Scott Smith, Board Member Voted: Aye
 Melanie Pandich, 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

Aleta Kinne: I have a question. Do the postcards go out for that?

James Brewster: Yeah.

Aleta Kinne: Ok.

James Brewster: Ok, that concludes new business. You guys are all square with new applications? All right. That brings us to our public hearings and we have a special situation here tonight on application 2021-V06 so what I'd like to do if it's ok with the Pieches and Stablers is to flip those around because Mr. White, why don't you say what you need to say about this application.

Jon White: I would like to recuse myself on Peter and Florence Piech's application due to a possible conflict of interest so I can step out of the room when that time comes.

James Brewster: Ok. We'll have a recusal which means Mr. Sisson, you'll vote in his place. So what I'd like to do, in order to not have him up and down and in and out and back and forth is to flip the public hearings around and have number seven go first and then have the Pieches present their public hearing and then we can go right into their discussion where the board will have their discussion and he'll stay out there for one block of time and then he'll come back in and participate in the Board Discussion on number seven. So Pieches, everybody ok with that? Stablers? Ok, good. So, we will flip that around folks.

Nick Cortese: So we're doing number seven first?

James Brewster: Yes, we'll do number seven. Ok. At this time I would like to open the public hearing for application 2021-V07, Alexis Stabler from 138 Stacy Dr. The application is for an area variance to exceed the maximum shed size and I'll actually go right in and read the notice of public hearing into the record or at least a section of it:

**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 July 27, 2021 at 7:00 p.m. at Chenango Town Hall, 1529 NY Rte. 12, Binghamton, NY upon the application of Alexis Stabler regarding property located at 138 Stacy Drive in the Town of Chenango, Tax Map No. 111.07-1-1, and located in a Residential Zone. The application is for an Area Variance to construct an accessory structure (shed) that exceeds the maximum size of 125 sq. ft. allowed for such structures. The environmental significance of the requested permit, if any, will be reviewed by the Board at said hearing.

This Area Variance application is open to inspection at the Town of Chenango Ordinance Office, 1529 NY 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: July 20, 2021

James Brewster, Chairman
Town of Chenango ZBA

James Brewster: Ok, rules of the road we will first have the applicant can provide any information that they'd like but we'll also have kind of a guided interaction. We have to cover as you've read in the application there are five factors that we need to gather some information from you for so that we can make our determination according to state law. So, we'll get right into it. After that I'll have a poll of any agencies that are here also and we'll have the public comment if anybody's here to speak on behalf of or against the application and then we'll move forward. So, do you

have any opening presentation or statement you'd like to make or, on your application? We saw your cover letter on the overall project and everything.

Bradley Stabler: I guess I'm a little underprepared. I did not know I needed to bring anything.

James Brewster: That's fine. I can guide you through these questions and just do the best you can.

Nick Cortese: It's a shed, it's ok.

James Brewster: We're not going to sweat this one too much.

Bradley Stabler: Ok.

James Brewster: So, the first thing we talk about is the variance, will it produce an undesirable change in the character of the neighborhood or cause a detriment to nearby property, so discuss that in your own words and show us the verbal lay of the land and what you're kind of proposing and if it's going to ruin your neighborhood essentially.

Bradley Stabler: So, I don't think the neighbors are going to be able to see it, the house is about 500 ft off the road, we're at the dead end of a cul de sac and it's going to be between the woods and my home so I don't believe it's going to change the neighborhood in the slightest.

James Brewster: Ok. Great. So, number two is the benefit you seek, can it be achieved by another method other than the granting of this variance. You have a lot of land there so explain to us why you need it in that spot.

Bradley Stabler: So, I think that another method is possible if I put multiple smaller sheds on but I think that that may affect the aesthetics of the neighborhood more than one larger shed.

James Brewster: Ok. Actually, let me step back here a minute. Does anybody on the Board have any questions for number one or two? Ok, I actually did on number two. And this may just be clerical or drawing size that can be rectified during a building permit but you have a diagram showing your house and your house is built or not built?

Bradley Stabler: Yes sir it's built, just moved in.

James Brewster: Ok. You're showing the shed on this diagram which is not to scale, I'll say that for the record, and there's an indication of it being 15' from the side lot. Has that been decided yet?

Bradley Stabler: No sir. Truthfully, my wife did this, I didn't have any help, we're going to be further than 20 ft away from property lines and at least 10 ft from the house for fire separations.

James Brewster: Ok. That notation was a concern to me because the side yard setback in Agricultural is 20 ft so as long as you realize that and it gets into whatever other permitting we won't have to bring you back.

Bradley Stabler: Yeah. It definitely will not be within 15 feet.

James Brewster: Ok, fair enough. All right. Question number three, and this is more for us to determine but I like to get your opinion on it. The requested area variance, is it substantial? And this is always a difficult one and I'm going to default to you again (Nick) since we haven't had a good refresher on substantiality.

Nick Cortese: What it means when the question is 'Is this variance substantial?' is relative to what the Zoning Code says, how much bigger or further away or whatever is the thing that you want to do? So,

in this instance, Town of Chenango allows a shed that's 125', yours is 308' so it's double what the Town allows so you can kind of make a conclusion for yourself whether or not it is or isn't substantial but even if you conclude it is or the Board concludes that it is that doesn't mean that you don't get the variance, its just a factor to be considered, that's all.

Bradley Stabler:

So I guess that's...

Webb Sisson:

Can I speak up just a little bit? On August 4th we're having a public hearing about shed size. With that, we will change that rule to 288' so the substantial increase is not so substantial and looking at the end of the road, which I've been up and looked at it, it's not going to have any effect on any of the neighbors. They'll never see it and I'm sure it will be nice put together for the new home. But, that's just my opinion, and since we're only talking 20' it's not that bad.

James Brewster:

Thank you and as Nick sort of alluded to, these five factors, a negative on any one of these won't take you out of the game on this particular type of variance. It's just something we collect information and Webb just provided us with great information, you're providing us with information so we're going to carry on. Number four...

Scott Smith:

Could I make one more point on that? Could substantiation change like if you have a 50' by 120' lot and you could put a 125' shed there, isn't it more substantial to put a 308' shed there than on a lot his size?

James Brewster:

It could be but...

Nick Cortese:

There's no rubric for any of this stuff so its basically looking over the evidence that's presented and making a conclusion for yourself and just like anything any municipal board does as long as your determination has a rational basis and you're not just picking things out of thin air and making decisions based on nothing then even if someone else might disagree with you, you're right at the end of the day. The answer to your question is, if you think so, yes.

Melanie Pandich:

I have a question on what Mr. Sisson said. Am I right in hearing you that you said there's going to be a hearing to change that requirement on August 4th so that when, I mean we're that far away from it...

Webb Sisson:

It's a corrected public hearing because it was wishy-washy when they had it and they said let's do this, we'll do that. Now it's definitive 288.' So that's what the public hearing is about on August 4th.

Melanie Pandich:

Ok.

Scott Smith:

I'm sorry, who's having the public hearing?

Webb Sisson:

Town Board.

Scott Smith:

Town Board?

Melanie Pandich:

Ok, that's just what I was looking for clarification on, thank you.

James Brewster:

Ok, we'll continue on here to point number four. Will the requested variance have an adverse effect or impact on the physical or environmental conditions in the neighborhood? Basically, are you tearing the heck out of the lot? Ok, so it's a shed going on some sort of...

Jon White:

Well, it's also new construction so they have to finish their lawn and all that stuff so it'd be ideal to get it in now.

James Brewster: Ok, understood. Ok, then number five we ask about the hardship giving rise to the need for your application for variance request. Is it self-created? And the de facto answer I'll help you out there is 'yes' and only because the zoning was in place and you want it.

Bradley Stabler: I knew the zoning when I planned to build the house.

James Brewster: That's where we go from there. So, any further questions on number four or five from anybody?

Aleta Kinne: I have one. I was up to visit the site but I didn't go behind your house. Are you going to have to cut more trees?

Bradley Stabler: I hope not. I've had enough tree work to last me a lifetime.

Aleta Kinne: Ok. Now, with the heavy rains we've been having and you're on top of the hill, do you get a lot of runoff?

Bradley Stabler: I mean, there's a creek, the natural border of the property is a creek so it does run off down there but there's nothing a little UTV can't go over.

Aleta Kinne: Nothing like what the Town has been going through with some of the hills. Does your property go all the way down to Rt. 11? I see a slim...

Bradley Stabler: So, we have a right-of-way that goes into Castle Creek Estates, it's the manufactured housing community there.

Aleta Kinne: Yeah, I noticed that. I guess that's why I was asking about runoff.

Bradley Stabler: We're 400 ft elevation and 2500' laterally away from there.

Aleta Kinne: Ok. Thank you. That was just a question I had, not really pertaining to the size of the shed.

James Brewster: Anything else? Ok, turning to Ordinance Department, Gavin, on this application?

Gavin Stiles: Ordinance doesn't have any problem with it, just requiring a building permit.

James Brewster: Ok. And, we received letters from our typical agencies that we send out to. I will summarize those, they are available printed in the record.

The Town Engineer has stated no objections, he did point out some things that we'll get to in SEQR but we'll get to that when we get to that otherwise he has no engineering objections to the project:

Dear Ms. Paddick:

The referenced application is for an area variance to construct a shed exceeding maximum size from 125 SF to 308 SF in an agricultural zone.

Discussion: The application package included:	Dated:	Rcvd.:
Planning Board Application with Permissions	04/01/21	06/11/21
Applicant letter signed by owner	04/06/21	06/11/21
Parcel Maps with shed location sketch		06/11/21
Shed elevation view	---	06/11/21
Short EAF	06/11/21	06/11/21

1. The site is within a Zone III Watershed Area (§73-57) (for aquifer protection). The project poses no impacts.
2. The application does not require 239 review.

3. The SEQR Short EAF part one we offer: a. #s 9, 10, and 11 are not applicable

In reviewing the Code of the Town of Chenango, Article VII §73-23 C Variances (2) (a), (b), and (c) the granting of this variance is necessary for reasonable use of the land, and is in harmony with the general purpose and intent of these chapters.

Recommendations: We have no engineering objections to the variance.

Sincerely,

Urda Engineering, PLLC

James Brewster: The drainage assessment declared:

“Drainage Review Not Applicable”

James Brewster: Town Planning sent along a favorable advisory for this application:

Dear Chairman and all Board Members:

At their meeting on Monday July 12, 2021, the Planning Board considered the request of Alexis Stabler —138 Stacy Dr —TM#111.07-1-1- Application for an area variance to exceed the maximum shed size from 125' to 308' in an agricultural zone and short EAF.

The Planning Board refers this application to the Zoning Board of Appeals with a favorable advisory.

Sincerely,
Brian Donnelly, Interim Planning Board Chair
Planning Board

James Brewster: Message back from County Planning said:

Hello Kari,

This project is not subject to 239 Review because the project site is not located within 500 feet of the County or State interests covered under GMU Section 239-l and -m. See also Broome County GIS Parcel Details, Planning Information, 239 Review (No) for this project site.

Please let me know if you need anything else from me for this project.

Sincerely,
Lora Zier
Senior Planner
Broome County Department of
Planning and Economic Development

James Brewster: Therefore, we did not receive anything from County DOT, Broome County Health, or New York State DOT. Is there anybody here from the public that would like to speak for or against this project? I'm thinking no since I see the applicants so I believe, in that case, did I cover everything, folks? I've got the letters that we typically get, and we also did not receive any community letters for this project for or against. So, with that, it appears at this time we've covered the factors from the applicant, the public's been given an opportunity to speak, we've heard from the agencies so Members, may I close the public hearing in its entirety? And again, in this situation silence is approval but if you have any objections that we need to continue on this application feel free to speak up. Ok, hearing nothing, the public hearing now for application 2021-V07 is hereby closed. What we'll do now, Mr. Stabler, is we'll continue on with another public hearing and then we'll have the Board discussions for the application outcome.

So now we'll move onto the public hearing for the Piech application and I'll ask Mr. White to step out into the hallway. We'll have someone come out and get you. So, Mr. Sisson, you are up in the full chair now with the vote for this whole thing. I'll open the public hearing for 2021-V06 as soon as I find the 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 July 27, 2021 at 7:00 p.m. at Chenango Town Hall, 1529 NY Rte. 12, Binghamton, NY upon the application of Peter and Florence Piech regarding property located at 83 Willis Road in the Town of Chenango, Tax Map No. 111.03-1-8, and located in an Agricultural Zone. The application is for an Area Variance to construct an accessory structure (shed) that exceeds the maximum size of 125 sq. ft. allowed for such structures. The environmental significance of the requested permit, if any, will be reviewed by the Board at said hearing.

This Area Variance application is open to inspection at the Town of Chenango Ordinance Office, 1529 NY 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: July 20, 2021

James Brewster, Chairman
Town of Chenango ZBA

James Brewster: We'll take you through the factors, the public will be able to speak, we'll speak with Ordinance, et cetera et cetera with the other agencies. So, we did receive written commentary about those factors so we will work off of those here first and see if there's anything else you'd like to add. So, with the first factor being the undesirable change in the character of the neighborhood and detriment to nearby properties, is there anything you'd like to add to your comment whereas you stated the shed will be a benefit to the neighborhood by removing the existing building which you said is to be in disrepair, and replace it with a newer shed and then you compared it to a resident's shed nearby which is larger than what you're asking for and is there anything you want to say about that?

Florence Piech: Yeah, I might have added when it says visible, the building in disrepair is actually visible from the road.

James Brewster: Ok, so it is. Will the new one be also?

Florence Piech: Yes.

James Brewster: Ok.

Peter Piech: It will be much closer to the house while still exceeding the distance, separation.

James Brewster: Right, you're only here for the size variance. Members, any questions on number one?

Aleta Kinne: Yes. I'm sure you've already considered it, the slope of the ground there. Is that going to present a problem?

Florence Piech: We have a person coming that's going to, its really quite level, but he's going to level it and put in crushed stone, we need a stone base.

Peter Piech: A 16-inch stone base which will help it last longer because it will keep the moisture out of it.

James Brewster: So, you've asked us for a variance, is there any other way that this shed can be put in, a size that would meet the zoning requirement?

Florence Piech: No, the only two options we would see would be to try to fix the garage that's already there that's larger, we don't need one that large but if we had to and its on two different levels, its not even structurally sound. And the other option is we can put in one that's larger we just didn't need an overhead door so if we put in an overhead door and called it a garage we don't even need to come to you guys we can just put it in.

James Brewster: Right. Ok. So now the third question we get to is the size substantiality of the new shed versus the Zoning Code, and obviously its bigger than what the code currently allows but you stated that it's a smaller structure than what your removing. So, the next question is will there be any adverse effects on the environmental or physical conditions on the neighborhood, you said no. Can you provide a reason for your 'no' on that? And it kind of can relate into Aleta's question on the drainage and the flattening of the terrain.

Peter Piech: I can't see where it would affect the drainage at all (inaudible) it's a small area where its at. Like I say its (inaudible) 10-12 inches of drop in the distance so there's very little grading for them.

James Brewster: Ok. Any Board Members have any questions or any follow up on any of those? Ok. And the number five is whether or not the condition the was self-created and you state you bought the property in October 2019 but again this one is usually a 'yes' it is self-created because you want to do something that's outside of the Zoning. Do you have any other comment on that?

Florence Piech: No, we were thinking more that we wouldn't be here if the garage that's there had been taken care of and not allowed to fall into disrepair and that's wasn't our fault that it's in disrepair.

James Brewster: Right, that's an interesting point, very interesting point. So, thank you for bringing that to the record, and we may have further discussion on that, but again these five factors are just to get a feel for what you're asking for, why you need it and again none of them will on its own take you out of the game it's whatever we come up with after we've weighed these factors.

Nick Cortese: Can I just ask a question real quick? The front of your house faces Willis Rd?

Florence Piech: Depends on what you call the front of the house.

Nick Cortese: I'm asking the question I don't know what I call it because I'm just looking at the drawing here and I'm trying to figure out how it's oriented. I just want to know where the shed is because is the shed behind your house, is it in the front of your house? I'm looking at it right here, it's on an angle that's drawn in such a way that I'm trying to figure out where it is.

Florence Piech: It's behind the house, to the right of the house.

Nick Cortese: Ok, that's all I needed to know. I'm looking at it right on my computer its oriented strange so I didn't know...

Florence Piech: And it is, in other words the house is oblong goes along like this and the part your seeing coming out is the two-car garage.

Nick Cortese: Ok, I got you.

Florence Piech: So that's why when you said does the house face the road, in a way it doesn't. I think they meant to have most of the house with all the windows facing south.

Nick Cortese: I understand. End of the day though, your putting your shed kind of in your back yard, right?

Peter Piech: Yes.

Nick Cortese: Ok, that's all I needed to know. The reason why I ask is because in the Agricultural district and I think most places in the Town of Chenango accessory structures need to be behind your house, they can't be in front of your house on the side or whatever so this looked to me that that's what it was I just wanted to ask you to make sure that's all. Thank you.

Aleta Kinne: I did a visit there, Nick, and it's off to the back corner.

Nick Cortese: Fine. That's all I needed to know.

James Brewster: Ok, we've covered the five factors from the applicants, any wrap up questions Board? No, ok I'll turn to Ordinance on this?

Gavin Stiles: Just a building permit, we're ok.

James Brewster: So, building permit, ok. And we received I'll read into the record now or a summary we received letters from the agencies that we contact and these are all printed and will be inserted into the written record.

The town engineer has no engineering objections to the project. He will address any concerns with SEQR when we get to that:

Dear Ms. Paddick:

This application is for a variance to construct a shed over the maximum size allowed from 125 SF to 288 SF in an agricultural.

- Discussion: The application package included:
- Planning Board Application with Permissions
 - Applicant letter by owner
 - Photo of existing barn
 - Photo of style of proposed shed
 - Parcel Map of with sketch of buildings on site

Dated:	Rcvd.:
06/08/21	06/08/21
06/08/21	06/08/21
—	06/08/21
	06/08/21
	06/08/21

- Short EAF

03/26/21 03/30/21

- 1 The application does not require 239 review.
2. The SEQR Short EAF part one we offer:

- a. #9 Should be 'NO' but is not applicable
- b. #s 10 and 11 are not applicable

In reviewing the Code of the Town of Chenango, Article VII §73-23 C Variances (2) (a), (b), and (c) the granting of this variance is necessary for reasonable use of the land, and is in harmony with the general purpose and intent of these chapters.

Recommendations: We have no engineering objections to the variance.

Sincerely,
Urda Engineering, PLLC

James Brewster: Town Planning sent us a favorable advisory:

Dear Chairman and all Board Members:

At their meeting on Monday July 12, 2021, the Planning Board considered the request of Peter & Florence Piech — 83 Willis Rd. — TM#111.03-1-8- application for an area variance to construct a shed over the maximum size allowed from 125' to 288' in an agricultural zone & Short EAF.

The Planning Board refers this application to the Zoning Board of Appeals with a favorable advisory.

Sincerely,
Brian Donnelly, Interim Chaff
Planning Board

James Brewster: County Planning said this was not a 239 project so therefore they had no comment:

Hi Diane:

This project is not subject to 239 Review because the project site is not located within 500 feet of the State and County interests covered under the 239 law. Please let me know if you need anything else from us for this project.

Sincerely,
Lora Zier
Senior Planner
Broome County Department of
Planning and Economic Development

James Brewster: And neither did County DOT, Broome County Health or the New York State DOT, and the Drainage Assessment coordinator declared:

“Drainage Review Not Applicable”

We did not have community letters in favor or against, and is anyone from the public present to speak for or against this application? No, I do not see anybody present. In that case we will close the public hearing. Members, unless you have anything else I would like to close the public hearing on this at this time. Your silence will be approval, object if you want to say anything else otherwise close the hearing right now. Ok. 2021-V06 public hearing is closed.

Now, in the interest of what we said earlier as we head into the application discussions we'll go into the SEQR for application 2021-V06.

Nick Cortese: We're going to do this one all the way to the end right while Mr. White is out of the room?

James Brewster: Correct. So let me call up the engineering for the Pieches here just to make sure, he does have comments in there so lets go to part one, Board Members, and review to make sure that that is a complete record.

Aleta Kinne: Alex said number nine.

James Brewster: Right. So, the engineer pointed out that number nine should be a 'no' but is written as 'non-applicable.' Was everybody ok with the other parts, before we get to question nine? We have answers. Ok, so there was no answer. 'Does the proposed action meet or exceed the state energy code requirements?' He suggests 'no.'

Nick Cortese: What?

James Brewster: So, part one was not checked and Alex says that should be a 'no.'

Nick Cortese: Oh. Whatever.

James Brewster: Ok. We'll have that marked as 'no.' And numbers 10 and 11 are 'not applicable.' So, they were checked as 'no' but they are not applicable. All right, is everybody prepared to move on to part two. We should probably pick an answer for number 14: 'Identify the typical habitat types that occur on, or are likely to be found on the project site.' Agricultural, grassland, and forest. Does your property have any wetlands?

Florence Piech: I don't know the definition of a wetland

Nick Cortese: It's a state or federal regulated wetland, not just like wet grass in your back yard.

James Brewster: Ok. All right, Board, are we ready to move onto SEQR part two?

Nick Cortese: If you're ready, I am ready.

James Brewster: We're ready.

Nick Cortese: Oh, good. Now for the most exciting part of the evening. I'll read off the questions, please audibly answer 'yes' or 'no' for me. 'No' means no or small environmental impact, 'yes' means moderate to large impact and a positive declaration means that the applicant does a very expensive environmental impact study and a negative declaration means that we can keep going and go have some dinner.

So, question number one:

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.

Nick Cortese: You have answered ‘no or small impact’ to all of the questions, my presumption would be that you’d be making a motion for a negative declaration under SEQR and if that’s true you can do that whenever you choose.

James Brewster: Ok, Board Members, if we agree that this should be a negative declaration under SEQR then I will accept a motion to that.

Melanie Pandich: I’ll make the motion.

James Brewster: And do I have a second?

Webb Sisson: I’ll second.

James Brewster: I got Mr. Sisson. Roll call please.

Kari Strabo:	Webb Sisson, Alternate Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Melanie Pandich, 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, we have a negative declaration on this and we can move on to discussion about the application. We'll continue right on with number six there. So, what are we thinking, we asked quite a few questions.

Aleta Kinne: It's a pretty straight forward simple application.

James Brewster: Yes. There was that one about the self-creation with the fact that they have a building there. I guess technically, in my opinion if you purchase a property and then you want to put a shed on it.

Peter Piech: (inaudible)

James Brewster: I know. Again, it's not a killer statement, its just to get the facts correct.

Webb Sisson: And after the Board moves forward on the 288' on August 4th it's a no-brainer. They could come back and just fill out an application, wouldn't be necessary.

Nick Cortese: The ZBA would probably meet half as frequently as it has over the course of the last three years.

James Brewster: All right, Nick...

Nick Cortese: Based on the questions asked, testimony exhibited et cetera, obviously the first factor is producing an undesirable change, I'm guessing your answer is 'will not.' Is that correct? Will not produce an undesirable change in the character of the neighborhood?

Board: Correct.

Nick Cortese: Benefit sought by the applicant can or cannot be achieved by another method? Can't? Yes, no maybe so? Can?

Board: Cannot.

Aleta Kinne: Due to the grade of the land and the septic.

Nick Cortese: Ok. Is it or isn't it substantial?

Melanie Pandich: Currently yes.

Board: Yes.

Nick Cortese: Ok, for the time being, yes. Requested variance would or would not have an adverse impact on the physical environment?

Board: Would not.

Nick Cortese: Hardship is or isn't self-created?

Aleta Kinne: What's the difference?

Scott Smith: It may be self-created but they're tearing down an ugly thing and putting up a nice thing so...

Nick Cortese: Ok, so tell me what you think.

Board: Is self-created.

Nick Cortese: Ok. And at the end of the day these are just really basic findings of facts, they're all supplemented by the entire record and the meeting minutes and so on and so forth.

Ok, so my presumption is that we'd be granting this variance, yes?

Board: Yes.

Nick Cortese: All right

James Brewster: You covered the 'outweighs' part, right?

Nick Cortese: Yes, if we're granting it then it outweighs any potential detriment obviously. Do you guys want me to read any portion of this resolution or summarize or do you want to go ahead and vote what's in front of you because I know that-Mr. Sisson, did you get this eventually?

Webb Sisson: Yes I did.

Nick Cortese: Ok good. So, everybody has the resolution in front of you so the fill in the blanks that I usually have before the meeting have been filled in based on your answers so if you want me to read some of it I can. If not, just make a motion to adopt the resolution granting the variance as the resolution is written.

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

In the Matter of the Application #: 2021-V06 of Peter and Florence Piech
For an area variance from the maximum square footage allowed for an accessory structure (shed) in the A – Agricultural District of 125 square feet to 288 square feet

RESOLUTION ON AREA VARIANCE APPLICATION #: 2021-V06

WHEREAS, on June 8, 2021, Peter and Florence Piech ("Applicants") duly filed an application for an area variance for property they own within the Town, located at 83 Willis Road in the A – Agricultural District and designated as Tax Map No. 111.03-1-8, wherein Applicants requested a variance from the maximum square footage allowed for an accessory structure (shed) in said District of 125 square feet to 288 square feet; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on July 27, 2021 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 July 27, 2021, 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 Applicants, as well as the reports and recommendations 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 Applicants and the public with respect to Applicants' application.

NOW, THEREFORE, BE IT RESOLVED 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 Applicants **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 Applicants 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 Applicants' application #2021-V06 for an area variance from the maximum square footage allowed for an accessory structure (shed) in said District of 125 square feet to 288 square feet is **granted**.
8. This Resolution shall take effect immediately.

At a regular meeting of the Zoning Board of Appeals of the Town of Chenango, held on July 27, 2021 at Chenango Town Hall, 1529 NYS Route 12, Binghamton, New York 13901, the foregoing motion was made by Aleta Kinne and seconded by Melanie Pandich. The ZBA members voted as follows:

James Brewster, Chair	Voted <u>Aye</u>
Aleta Kinne	Voted <u>Aye</u>
Melanie Pandich	Voted <u>Aye</u>
Scott Smith	Voted <u>Aye</u>
Web Sisson, Alternate	Voted <u>Aye</u>

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

James Brewster: Congratulations, you've got your variance.

All right, members, we're going to do SEQR now. What we do is we go through and make sure that boxes are checked on part one and Alex, our engineer, usually catches things so he made notes.

Nick Cortese: Jon, do you know basically know how SEQR works?

Jon White: No.

Nick Cortese: For something like this it's really easy but it can become mind-bendingly complicated for certain things. But tonight's a good night to come to your first ZBA meeting because it's not very complicated.

James Brewster: Ok, so Alex, our engineer, made some comments on part one stating that numbers 9,10, and 11 are not applicable. They've answered 'no,' which is fine in my opinion. If anybody else has really serious heartburn over that we can discuss it, otherwise we can move onto part two and go through the SEQR

factors. Part one is just a reference for us anyways to go back and see what they said if we stumble across any of this so go ahead, Nick.

Nick Cortese: Sure. Jon, just the really quick 30-second primer on environmental assessment forms, every applicant fills out at least a short form and if you look at the application package that's the thing that's three or four pages long and has a bunch of checkboxes and asks a whole bunch of questions. So, once we kind of look at part one and answer all the questions Board Members might have about it then we go through part two which is what we are about to do right now where there's a form here that asks 11 questions and I ask you guys to answer 'yes' or 'no' regarding the potential environmental impact in each of these areas. 'No' means that no or small impact might occur as a result of the project. 'Yes' means moderate to large impact might occur as a result of the project and at the end of all of this the Board will make a motion for either a positive or negative declaration under SEQR which would require the applicant to do a very in-depth and expensive environmental impact study and a negative declaration would be that in light of all the factors that we've considered there isn't going to be any serious environmental impact and we can move on to the next thing. That all make sense?

Jon White: Yes.

Nick Cortese: Ok, cool. So, let's do this:

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?

Nick Cortese: You’ve answered ‘no or small impact’ to all the questions in part two so in part three my presumption would be that you are going to do a motion for a negative declaration under SEQR and if that is indeed the case you can do so any time you like.

James Brewster: If we’re going to do a negative declaration, folks, I’ll seek a motion.

Jon White: Made a motion.

Scott Smith: I’ll second that.

James Brewster: Ok, motion first and seconded for a negative declaration under SEQR. Roll call.

Kari Strabo: Jon White, Board Member Voted: Aye
 Scott Smith, Board Member Voted: Aye
 Melanie Pandich, 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

Nick Cortese: All right. Let’s just get our findings of fact squared away on the resolution. I certainly don’t want to stymie any discussion but if you guys are ok with it I’m just going to start going through this stuff.

Will it won’t it produce an undesirable change in the character of the neighborhood?

Board: Will not.

Nick Cortese: Can the applicant achieve it by some other method?

Board: No.

Nick Cortese: Is it or isn’t it substantial?

Board: Is.

Nick Cortese: Everybody good with that?

James Brewster: We can discuss, Scott, if you want.

Scott Smith: It is now, but-

James Brewster: We are in the present.

Scott Smith: Yeah, we are.

Nick Cortese: Will it or won't it have an adverse impact on the environment?

Board: Will not.

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

Board: It is.

Nick Cortese: Ok. And, so my presumption is that you'll be granting this variance, yes?

Board: Yes.

Nick Cortese: Because it will outweigh any detriment to health and safety so based on all those answers I have the resolution filled out now. You have this in advance, all I did was the fill in the blanks that I usually do based on the record and what you guys just told me. So, I can either read some of it or somebody can make a motion to accept the resolution as written to grant this application.

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

In the Matter of the Application #: 2021-V07 of Alexis Stabler
For an area variance from the maximum square footage allowed for an accessory
structure (shed) in the R – Residential District of 125 square feet to 308 square feet

RESOLUTION ON AREA VARIANCE APPLICATION #: 2021-V07

WHEREAS, on June 11, 2021, Alexis Stabler ("Applicant") duly filed an application for an area variance for property she owns within the Town, located at 138 Stacy Drive in the R – Residential District and designated as Tax Map No. 111.07-1-1, wherein Applicant requested a variance from the maximum square footage allowed for an accessory structure (shed) in said District of 125 square feet to 308 square feet; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act, the Town of Chenango ZBA determined on July 27, 2021 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 July 27, 2021, 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 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 RESOLVED 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 #2021-V07 for an area variance from the maximum square footage allowed for an accessory structure (shed) in said District of 125 square feet to 308 square feet is **granted**.
8. This Resolution shall take effect immediately.

At a regular meeting of the Zoning Board of Appeals of the Town of Chenango, held on July 27, 2021 at Chenango Town Hall, 1529 NYS Route 12, Binghamton, New York 13901, the foregoing motion was made by Aleta Kinne and seconded by Melanie Pandich. The ZBA members voted as follows:

James Brewster, Chair	Voted Aye
Aleta Kinne	Voted Aye
Melanie Pandich	Voted Aye
Scott Smith	Voted Aye
Jon White	Voted Aye

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

James Brewster: Ok. Congratulations, you have your variance, building permit required as you heard during the record and et cetera et cetera. So, thank you for your time. That brings us to the end of our prescribed agenda. Aleta has something that she just wants to make a point of order before we adjourn, so you have the floor.

Aleta Kinne: Thank you. Back a while ago we had an application where I kept asking if it was a part of a County Agricultural District and there was a lot of confusion. Well, last Saturday Ron and I received a letter from Broome County Department of Planning concerning Agricultural Districts. I asked Jim if I could explain it so that if we ever run into an application again where we're wondering about an Ag District. First of all, let me say this has nothing to do with the Town Agricultural Zoning. Agricultural Zoning is done by each town and that's that. This is Broome County Agricultural Districts. They have very strict regulations to be involved in the District, what your producing and the economy and so forth. Our land has been in an Ag District for 50 years so, anyways I will read part of this to you and this is just to explain that if we ever again need to know about the County Ag District because people were saying 'no we don't have them anymore' and people were saying 'yes.'

I should say that every 8 years the Ag District has a review where property owners can add more land or delete land and any changes that have taken place which probably this year I'm going to have to fill out some new paperwork because we did sell two acres off of a 32-acre plot and the 30 acres will be added to another 25 acres and anyway we will have a change this year.

'Notice of Broome County Agricultural Districts Review and Proposed Consolidation of Broome County Agricultural Districts Number Three and Four into District Five.' The Town of Chenango has properties in number Four and number Five right now, but I'll just read this paragraph: 'Broome County has three Agricultural Districts comprised of land dispersed across multiple towns. A consolidation of Broome County Agricultural Districts three, four, and five is being proposed to group these three districts into one county-wide Agricultural District, the Broome County Agricultural District Number Five.'

If anyone wants to read any more of this you're welcome to but so they give you a 30-day period for the review and so forth and they're hoping that by September 30th they can consolidate the districts into one. Maybe we'll never again run into an application where that question comes up. Sometimes it could be involved in one of the questions on our environmental form. So, don't mean to confuse anyone but I did want it on the record that there is such a thing as a Broome County Agricultural District.

Nick Cortese:

Is it different? I'm asking because I'm not sure that I know. Is it different than like a state-certified Agricultural District or is that the same thing?

Aleta Kinne:

It's state but they're calling it Broome County. It's state regulations and the forms we fill out and so forth go to the state.

Nick Cortese:

So, it's a really good point and just so everybody has some knowledge about it there's a lot of properties in the Town of Chenango that are in state-certified Agricultural Districts and the main impact of it is that it reduces the threshold for a Type I action under SEQR by a lot in some circumstances.

Jon White:

It gives them more environmental protection. They can do a little but more and building-wise they can do a little bit more.

Nick Cortese:

Depends on your building. Let's say, for example, you have an active farm operation in a state-certified Agricultural District property and you want to build a barn. You can just do that, basically and the Town might ask you to participate in some type of expedited permitting process or whatever the case may be but if you really wanted to dig your heels in and not do it, the Town can't make you participate if you're building farm structures or doing farm activities in a state-certified Agricultural District and that's because of Right-To-Farm Laws in New York State. So, the main impact is it reduces the threshold for a Type I determination under SEQR and it gives farmers protection to do what they want with their property without Town interference, basically. That's what they are for, and there's other stuff too but those are the two big things. Am I right, basically?

Aleta Kinne:

Yeah. And this can be anything from not just dairy farming but it can be a horse operation right down to if you're growing grapes.

Gavin Stiles:

There is a code that's written that says expressly and solely for agricultural purposes to include...

Nick Cortese:

Yeah, you know it's pretty broad and I think three or four years ago it expanded to included a horse farm because you're not farming really at a horse farm necessarily but that's something and then if your—

Aleta Kinne: But they have to meet the financial requirements.

Nick Cortese: Right, exactly.

Jon White: There is a dollar amount attached to that.

Nick Cortese: And then there's one for logging too but there's some extra criteria for logging to qualify as well. That's the basic thrust of it and we did have probably the cell tower that I was out on, that was in an Agricultural District.

Aleta Kinne: Yes. That's when I was asking if it was a property in an Agricultural District and everybody thought I was out in space somewhere.

Nick Cortese: You're not. You know what you're doing, you live in one.

Aleta Kinne: So, there's lots of property in our town that's zoned Agricultural that's not necessarily a Broome County Ag District.

Nick Cortese: Absolutely correct.

Aleta Kinne: Thank you.

James Brewster: No, thank you. Thanks for bringing it forward. Anything else? Ok I'll seek a motion to adjourn.

Scott Smith: So moved.

Jon White: I'll second.

James Brewster: All in favor? This is a voice vote.

Board: Aye.

James Brewster: Ok. (8:15 PM)

Aleta Kinne: So, special meeting August 10th but then our regular meeting.

James Brewster: Yes, two meetings in August now.

Jon White: One on the 10th and one on the 24th. Easy peasy.

James Brewster: Thanks everyone.

Respectfully Submitted,



Kari Strabo, Sr. Clerk