

ZONING BOARD MEETING
TUESDAY – APRIL 27, 2021
ZONING BOARD OF APPEALS
7:00 pm – TOWN HALL (ZOOM)
1529 NYS RTE 12
BINGHAMTON, NY 13901

Present: James Brewster, Chairperson
Aleta Kinne, Vice Chairperson
Scott Smith, Board Member
Melanie Pandich, Board Member
Thomas Eldridge, Board Member

Also Present: Robert Heary, Substitute Attorney
Gavin Stiles, Ordinance Officer
Kathleen Rudy, Deputy Town Clerk
Kari Strabo, Sr. Clerk, Zoning Secretary

James Brewster: I'll call the Town of Chenango Zoning Board of Appeals board meeting together at 7:03 pm and could I get a roll call of the members please, Kari.

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

James Brewster: All members are here, we have a quorum. Therefore, I'll read this into record. This meeting is being held via ZOOM Virtual Meeting Software as permitted by the Governor's Executive Order 202.1 and 202.15 which were most recently extended by Executive Order 202.101. Tonight's meeting is being recorded and will be transcribed at a later date.

I want to welcome everybody to our meeting. We have some new business tonight and then we'll have a public hearing and then we'll discuss the application that's up for the public hearing tonight. So, the first order of business is our approval of the March 23 minutes. Members, I submit to you that the minutes are appropriate as written and may be approved at this time. Any objections please state your reason otherwise silence will determine approval.

Hearing nothing, the minutes from March 23, 2021 are hereby approved.

So, onto new business tonight. We have a couple of area variances to set into motion for the Planning Board and our meeting next month. The first one we'll do is application 2021-V04 submitted by Dwight Penfield of 254 Mary Drive, 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 along with a short EAF. Members, are there any questions for the applicant about the forms, is the application complete in your view and ready to move forward to referral to the Planning Board and schedule for public hearing?

Hearing no questions or comments I will seek a motion regarding that application to send to the Planning Board and to schedule it for our May meeting.

Thomas Eldridge: I'll make a motion to send that to the Planning Board.

Aleta Kinne: I'll second it.

James Brewster: Kari may I have the roll call on that.

Kari Strabo:	Thomas Eldredge, 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, 2021-V04 may be carried on. Then we have 2021-V05 submitted by Todd Stupski, 348 Wilson Hill Road, an application for a double area variance to construct a pole barn while exceeding the height from 25' to 27' and also a size restriction from 1500' to 2400' located in an Agricultural Zone and a submission of a short EAF. Members are there any questions for this applicant about any of the forms, is the application complete in your view and may we move it on to the Planning Board and our May meeting?

Aleta Kinne: Mr. Chairman I so move that we move forward with it.

James Brewster: Thank you Mrs. Kinne. Do I have a second on that?

Thomas Eldridge: I'll second it.

James Brewster: Ok, any further discussion? I do have one question, sorry I didn't sneak it in there. We got notice that you had some things to address that came out of Ordinance, that Broome County was asking for. I just want to make sure that you got that information and will submit that to our Ordinance Department.

Todd Stupski: I'm not familiar with what you're talking about.

James Brewster: Ok. There's a chance that I read it wrong but I thought it was addressed to you, let me cycle back through my email real quick here. Did anybody else see that? Am I out in left field here?

Aleta Kinne: I did not get it.

Gavin Stiles: I'm not aware.

James Brewster: Ok, this could be on me. Ok, Board members it was addressed to Mr. Stupski on April 23rd from Diane in Ordinance and she just said that Broome County had a few questions regarding your double area variance to address and it was sent to your email at msn.com, perhaps it's in there. It's not super critical for what we're doing right now but it is something to follow up on and if you don't have it I can have Diane—

Todd Stupski: Yeah, we did get that. We already responded and gave it back to the Town.

James Brewster: Ok that's great. So, we do have a motion made and seconded to move this application along so can I have a roll call please, Kari.

Kari Strabo:	Thomas Eldredge, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Melanie Pandich, Board Member	Voted: Aye

Aleta Kinne, Vice Chairperson
James Brewster, Chairperson

Voted: Aye
Voted: Aye

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

- James Brewster: Thank you folks. Your application will be up for a public hearing next month.
Michelle Stupski: Thank you.
James Brewster: You're entirely welcome.

Ok, next order of business is our public hearing for 2021-V03 Troy Widden at 33 Stacy Drive the application for an area variance to exceed the maximum size for an accessory building in an Agricultural zone and short EAF. Regarding the public hearing, we will have the applicant discuss his application with any additional information, I'll go through the five steps that were requested of all applicants just to fortify the record and then members of the public may speak for up to five minutes in favor or against this application if they so choose and then we'll move forward. First off, before we do that I would be amiss if I didn't read part of the legal notice into the record if it comes up. So, at this time I will open the public hearing for 2021-V03 and read the following:

**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 April 27, 2021 at 7:00 p.m. upon the application of Troy Widden regarding property located at 33 Stacy Drive in the Town of Chenango, Tax Map No. 111.05-1-26.2, and located in an Agricultural District. The application is for an Area Variance to construct an accessory structure (shed), which exceeds the maximum size allowed for such structures in said District. The environmental significance of the requested variance, if any, will be reviewed by said Board at said hearing.

TAKE FURTHER NOTICE that due to ongoing public health and safety concerns related to COVID-19, the Zoning Board of Appeals **will not be meeting in-person**. Rather, in accordance with the Governor's Executive Orders 202.1, 202.10 and 202.15, as extended by Executive Order 202.101, said public hearing will be held at 7:00 p.m. via ZOOM virtual meeting software. The hearing will be recorded and transcribed at a later date.

INSTRUCTIONS FOR ACCESS TO THE VIRTUAL PUBLIC HEARING: All persons wishing to appear at the hearing may do so via computer, tablet or smartphone by utilizing the following **Link: <https://us02web.zoom.us/j/85175543696>, Meeting ID: 851 7554 3696, and Password 853715**. Members of the public may also call in to the ZOOM meeting by dialing **1-646-558-8656** and entering the Meeting ID and Password above, when prompted.

Members of the public wishing to comment orally on the application during the public hearing will be recognized by the Chairman through the ZOOM interface. Written comments may also be submitted prior to or during the hearing by e-mailing Diane.Aurelio@townofchenango.com, or prior to the hearing by mailing comments to the attention of the Town of Chenango Ordinance Office, 1529 NY Rte. 12, Binghamton, NY 13901.

Dated: April 16, 2021

James Brewster, Chairperson
Zoning Board of Appeals

James Brewster: Mr. Widden, we do have some written information from you, the letter of intent request and everything and you did address the five factors that we need to consider, however I just want to give you the opportunity to add anything else to that based on those five factors. We can go over them one by one in order to build the record.

The first factor asks you to discuss whether or not this shed will produce an undesirable change to the character of the neighborhood. It looks like you wrote your answer is 'No', is there anything you can add to that for us to consider, reasons why?

Troy Widden: It's on the wood line, even a little bit into the woods so it's really not visible to anybody except maybe one of my neighbors for part of the year when there's no leaves on the trees. It's in the center of our property, I really don't think anybody will even notice it's there unless they come on the property.

Elizabeth Widden: This is his wife Elizabeth. It's not that there's any trees that need to be cut down or anything either.

Troy Widden: It's an existing open space in our backyard.

James Brewster: OK, board members any questions regarding factor number one from you out there?

Thomas Eldridge: Pretty cut and dry.

James Brewster: Ok thanks Tom. Number 2: Can what you're trying to do be achieved by any other method, like can it be moved to another part of the property where it would not need to grant a variance or why do you need this size?

Troy Widden: Just need the size for storage, we haven't been able to pull our cars in the garage because it's filled with snowblowers and lawnmowers and so forth, just needed the extra space for storage so we can get the cars in the garage. As far as could we move it anywhere else, I really think that's the least impactful spot possible on the property so that's why we chose that spot.

Elizabeth Widden: I'm sorry I keep popping in and out because we have a toddler I'm trying to attend to so I apologize for that. Also we made sure before we even looked into getting a shed we called the town, I'm not sure who we spoke to, back in December to figure out what size is appropriate and what we needed to do, where it needed to be on the property so really the biggest reason why we would even choose to put it where we are is because of what we were told, that it needs to be directly behind the house and not really seen from the road and such. Thank you.

James Brewster: Ok, thank you. Members, any questions on point number two?

Aleta Kinne: I think they've located it very well.

James Brewster: Thank you, Aleta. Anyone else? Ok, moving on to point number three here, this one's always difficult but if you can just try to add a little more to if the request is substantial or not, it's a very subjective answer so just do your best.

Troy Widden: Yeah, I would say not, the colors blend into the woods, it's not an eyesore at least in our minds. It's brown and green so it should blend in nicely behind our house surrounded by trees and it's really not that big 24'x12' seems like a reasonably sized structure for our property.

James Brewster: Ok, members, anything on number three there?

All right, moving onto number four which you potentially could've just answered, will this have an adverse impact or effect on the environmental conditions of the neighborhood, basically meaning are you going to tear up a lot of the property to complete this project that would have an effect on the environment?

Troy Widden: No, the only thing being done is having the stone foundation laid down to set this structure on. We purchased it from Pine Creek Structures so it's a prebuilt shed so they're just going to come in and drop it on a stone pad. No trees have been removed, no bushes, it was an open area already so I can't see any environmental impact.

Elizabeth Widden: The other thing that I wanted to add too is there's actually no grass even in that spot so it's basically like we covered a flat area.

James Brewster: Ok. Questions about number four from the members?

Ok. And the fifth factor we consider is whether or not the hardship of the Zoning restriction when leading you to ask for the variance is or is not self-created. You actually answered that very complete in your written description so if there is anything you would like to add feel free to do so now otherwise we can just go with that.

Troy Widden: I don't think so, we just need the extra storage space.

James Brewster: Ok, members any questions about the number five factor?

Ok. So, at this time before I read the letters from the other Town officials, is there anybody who would like to speak from the public on this application?

Hearing nothing and not seeing anybody extra we'll move on and so the first advisory statement I have here to read is from the Town of Chenango Planning Board at their meeting on Monday 4/12/21 the Planning Board considered the request to exceed the maximum size for an accessory building from 125' to 288' and the Planning Board referred this application to the Zoning Board with a favorable advisory. Comments from the Town of Chenango engineer 'In reviewing the code Article VII subchapter 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. We have no engineering objections to the variance.' The drainage coordinator submitted their form with 'A drainage review is not applicable in this situation', and we have Gavin from Ordinance here I believe so what's the Ordinance department feel?

Gavin Stiles: The Ordinance Department is on board with whatever the Board decides and we'll just proceed with a building permit and proceed as usual.

James Brewster: Ok, so a building permit would be required for this.

Gavin Stiles: Indeed.

James Brewster: Ok. I believe I have covered all of this, I do not have anything from the County in the package, any comments from the County that I'm aware of. At this time, this is the last call for anyone who'd like to speak.

So, at this time it appears that there are no others who wish to speak. Members may I close the public hearing in its entirety?

Hearing no objections, the public hearing for application 2021-V03 is hereby closed.

Troy Widden: May I ask a quick question?

James Brewster: Sure.

Troy Widden: Just about the building permit, so is that something that we can go ahead and apply for now moving forward?

Gavin Stiles: Yes. You can find it on the website or you're more than welcome to come down to the office and we can help you move along with that, it's pretty straightforward. There will be estimated cost of the project, there'll be a site plan, I can give you if you get in touch with myself or John or Diane or Kari we can guide you down that path pretty easily, it's not that big a deal.

Troy Widden: Ok, thank you.

Gavin Stiles: You're welcome.

James Brewster: Ok, next on the agenda is we must now as a board discuss and come to the conclusion or resolution of the application but first we do have to address SEQR and I've been informed that this SEQR action is unlisted and therefore we will have to go through the part 2 of SEQR so traditionally, Bob, Nick takes us through that so if you could run us down through the SEQR part two, I would appreciate that

Robert Heary: Happy to. I'm assuming the board has all had a chance to review part one for this project. So now we can move on to part two, I will read off each of the questions and then you'll just respond with whether there is little or no impact or moderate to large impact.

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

All: Will not.

Robert Heary: 2 - Will the proposed action result in a change in the use or intensity of use of land?

All: Will not.

Robert Heary: 3 - Will the proposed action impair the character or quality of the existing community?

All: No.

Robert Heary: 4 - Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

All: No.

Robert Heary: 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?

All: No.

Robert Heary: 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?

All: No

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

All: No to both

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

All: No

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

All: No

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

All: No.

Robert Heary: 11 – Will the proposed action create a hazard to environmental resources or human health?

All: No

James Brewster: Thank you Bob. Members, so we've concluded that no or small impact, that leads us to part 3 which most likely is the declaration of a negative declaration so at this time I will seek a motion to establish a negative declaration on SEQR for this application.

Melanie Pandich: I move that we establish a negative declaration with SEQR.

James Brewster: Thank you Melanie, do I have a second?

Scott Smith: I'll second that.

James Brewster: And Scott. Ok, Kari, roll call please.

Kari Strabo:	Thomas Eldredge, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Melanie Pandich, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Not present - Lost ZOOM connection
	James Brewster, Chairperson	Voted: Aye

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

Ayes – 4 Nays - 0

James Brewster: That motion carries. Board members, now we can move on to the application discussion and the finding of facts for the resolution. Bob, if you would read through our resolution...

Robert Heary:

In the Matter of the Application #: 2021-V03 of Troy Widden
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-V02

WHEREAS, on March 15, 2021, Troy Widden (“Applicant”) duly filed an application for an area variance for property he owns within the Town, located at 33 Stacy Drive in the A – Agricultural District and designated as Tax Map No. 111.05-1-26.2, wherein Applicant requested a variance to install a 288 sq. ft. accessory structure (shed), which exceeds the maximum size allowed for such structures (125 sq. 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 April 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 April 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 reports and recommendations submitted in regard to Applicant’s application, including those submitted by 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 Applicants **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 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-V03 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 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 April 27, 2021 via Zoom virtual meeting software, as authorized by the Governor's Executive Orders 202.1, 2020.10, 202.15 and 202.101, the foregoing motion was made by Scott Smith and seconded by Thomas Eldridge. The ZBA members voted as follows:

James Brewster, Chair	Voted: Aye
Aleta Kinne	Voted: Aye
Melanie Pandich	Voted: Aye
Scott Smith	Voted: Aye
Thomas Eldridge	Voted: Aye

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

James Brewster: The resolution has passed. Mr. Widden, now you may go forth with Ordinance on the permits and et cetera that need to be done.

Troy Widden: All right. Sorry about that and thank you.

James Brewster: You're fine. All right, Bob I'll sign and scan and email to Nick the negative declaration et cetera so that brings us to the end of our agenda so does anyone have any other business for the good of the order tonight?

Robert Heary: The only thing I have is I'll get a clean copy of the resolution sent over with just what we decided on for the two options.

James Brewster: Right to wherever Nick sends it, not sure. Just ask him.

Anything else?

Ok, members, business appears to be complete. Any objection if I close the Board meeting tonight? Ok, hearing next to nothing meeting is adjourned. We'll talk to you next month. (7:37 PM)

Respectfully Submitted,



Kari Strabo
Sr. Clerk