

PLANNING BOARD MEETING
MONDAY – JULY 11, 2011
PLANNING BOARD
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NEW YORK – 13901

PRESENT: Ms. Cynthia Paddick, Chair
Ms. Snyder
Messrs. Donnelly, Bernard, Warren & O'Day

ALSO PRESENT: Edwin C. Gent, P.E., Town Engineer
Russ Hemedinger, Councilperson
Thomas Geisenhof, Code Enforcement

The meeting convened at 7:00 p.m. at which time Ms. Paddick called the meeting to order and welcomed the audience. Ms. Paddick read a statement which explained how the Planning Board members are appointed, along with the Board's functions, limitations and duties. Ms. Paddick noted that the reading of this statement not only informs the audience about the Planning Board, but it also reminds the Board members of their responsibilities.

APPROVAL OF THE MINUTES

- Approval of the May 9, 2011, Planning Board Meeting.

A motion was made by Mr. Bernard, seconded by Mrs. Snyder, to approve the Minutes of the May 9, 2011, Regular Meeting.

ROLL CALL: AYES – 4 NAYS – 0 ABSTAIN – 1 (Warren)

NEW BUSINESS

- SSR POWERSPORTS – Michael Lumsden – 233 East Hill Rd. – TM#066.02-1-14-
Application for Site Plan Update for 30' x 100' Commercial Addition.

Mr. Gent, Town Engineer, reviewed the applicant's request for a 30' x 100' commercial addition to the existing building. The cold storage (no heat) facility will not be obtrusive but the following items should be addressed.

Drawings of the building, elevations, color, and material.

Will there be any landscaping?

Will the site plan need modifications for a new driveway?

Code review by the Ordinance Office will be required.

Although the “addition” is not obtrusive the above referenced items should be submitted before final approval is granted. This is a Type II action under SEQR.

Mr. Tom Geisenhof, Ordinance Office, recommends approval as the application appears to meet zoning codes for site use and setbacks will have minimal visual or environmental impact on the surrounding rural area. A building permit will be required.

Mr. Mike Lumsden explained to the Board Members that he now has the drawings from Essex Steel Company. The addition will be attached to the existing building (three sided construction) and have the same color and roof line. There will be no new driveways and no additional landscaping.

There being no further discussion, a motion was made by Mr. Bernard, seconded by Mr. Warren, to approve this Site Plan Update for a 30’ x 100’ Commercial Addition.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

- LORI ASHLEY SALON – Lori Morgan – 1330 Upper Front St. – TM#111.12-2-30 – Application for Site Plan Review.

Mr. Gent, Town Engineer, reviewed the applicant’s request for a proposed hair salon in an existing building. This property has had a number of uses over the years. The owner, Chris Pelto, has submitted an application to the ZBA for an Interpretation, and possibly multiple variances; to bring the building into zoning compliance as it has been vacant for more than 6 months. The following items need to be addressed:

- Parking is sufficient for the first floor only will the second floor be used? If so, a Use Variance will need to be obtained.
- Does the current parking protrude in the Town’s ROW?
- No information as to signage.
- Backflow prevention is required on the water service.

A building permit will be required from the Ordinance Office for interior renovations. An Interpretation regarding the variances by the ZBA is pending and is needed before final site plan approval can be given. This is a Type II action under SEQR.

Upon receipt of correspondence from the ZBA regarding the multiple variances contingent approval may be granted.

Mr. Tom Geisenhof, Ordinance Office, recommends that the beauty salon would be an acceptable commercial re-occupancy in a Commercial Development Zone within a structure that does not comply with today’s zoning ordinance regarding lot size, building setbacks, and amount of

parking. However, the Ordinance Office does recommend site plan approval contingent on the successful appeal for variances from the ZBA by Mr. Pelto. A fire code inspection and a sign permit will be required prior to occupancy.

Mrs. Paddick, Chairwoman, asked the applicant to address the Town Engineer’s concerns as to the second floor, parking in the Town’s ROW, signage, and backflow prevention device.

Ms. Lori Morgan, applicant, explained that they would not be using the second floor, that there is an existing sign on the building and they had planned on re-facing that sign. As for the parking in the ROW she understands that the ZBA will discuss that. She will talk with the Town’s water/sewer department regarding the backflow prevention device.

Mrs. Snyder, Planning Board Member, wanted to know when they thought they would be open.

Ms. Morgan thought it would be about two months after the closing. They do have to renovate the interior.

There being no further discussion, a motion was made by Mr. Warren, seconded by Mrs. Snyder, to approve this Site Plan Review for a beauty salon pending the approval of the multiple variances by the ZBA and the owner installs a backflow prevention device.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

ADVISORY OPINION/REFFERALS

- FIRST METHODIST CHURCH – Robert Pernes – 740 River Rd.- TM#112.07-7-10- Application to amend the Use Variance from the stipulated time for the L.E.D. message board sign in a residential area.

Mr. Gent, Town Engineer, reviewed the applicant’s request to amend the original variance from the original 10 a.m. to 11 p.m. to weekdays 9 a.m. to 10 p.m. and weekends from 7 a.m. to 10 p.m. The applicant states that many events start prior to the original approved time as well as regular worship services. The proposed times are different on weekends and end all days one hour earlier 10 p.m. rather than 11 p.m. In reviewing the application, has there been any complaints regarding the sign and current hours? This is a Type II action under SEQR.

If there has been no complaints an early end time would seem to accommodate the neighborhood and be less obtrusive.

Mr. Tom Geisenhof, Ordinance Office, recommends that with the church requesting to shift the time permitted to begin and end sign illumination ahead one hour on weekdays; while shifting

the start time on weekends ahead three hours and ending an hour sooner than currently approved. Since the overall time shift is happening so as to lower the impact to the neighborhood, the Ordinance Office recommends a favorable advisory to the ZBA.

Mrs. Snyder, Planning Board Member, wanted the applicant to be aware that school children are on the road during the morning hours. School starts at 9 a.m. so I'd like to see the sign time start after school starts like 9:30 a.m. Weekends the start/stop time is not a concern but the weekday start time is.

Mr. Pernes, applicant, said they have watched and the school crossing guard leaves by 8:30 and that's when school starts.

Mr. Warren, Planning Board Member, thought the school started at 9 a.m.

Mr. Bernard, Planning Board Member, didn't think the change in time would be a distraction.

Mrs. Paddick, Chairwoman, didn't think the change would be a distraction either.

There being no further discussion, a motion was made by Mr. Donnelly, seconded by Mr. Warren, for a favorable advisory to the Zoning Board of Appeals for this amended Use Variance from the stipulated time for the led message board sign in a residential area.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

- DOUGLAS HEATH- 31 Daniel Dr. – TM#078.15-1-2- Application for a Double Area Variance for the expansion of a pre-existing non-conforming use exceeding the maximum square footage for a detached garage from 725' to 2296' and exceeding the maximum number allowed for detached garage from 1 to 2.

Mr. Gent, Town Engineer, has reviewed the applicant's application to expand a pre-existing non-conforming use. He will be exceeding the maximum square footage for a detached garage and number of garages allowed from 1 to 2.

The yard setbacks for the new addition will be 100'+, which exceeds the requirements. The purpose of the addition is to store the owner's vehicles and will be buffered by many trees on site. The existing garage was permitted without a variance when built, thereby, the double area variance request. This is a Type II action under SEQR.

A favorable advisory is recommended.

Mr. Tom Geisenhof, Ordinance Office, recommends that the subject property is in a residential zone, which allows only one detached garage of not more than 725 sf. However, this property is over 14 acres in size, rural in nature, and trees nicely buffer the two existing garages. The Ordinance Office recommends a favorable advisory to the ZBA.

The applicant was not present for questions.

There being no further discussion, a motion was made by Mrs. Snyder, seconded by Mr. Bernard, for a favorable advisory to the Zoning Board of Appeals for this Double Area Variance.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

- CHRISTOPHER & TRACIE SMITH – 440 Dunham Hill Rd. – TM#066.10-1-11 – Application for Multiple Area Variances to construct a detached garage with less than required side yard setback from 5’ to 1’.6”, rear yard setback from 5’ to 4’, exceeding the maximum height from 16’ to 18’, and less than required driveway setback from 10’ to 1’.6”.

Mr. Gent, Town Engineer, has reviewed the applicant’s application to construct a 24’ x 18’ garage/storage building with less than the required setbacks.

The proposed building, due to its size and location in reference to the house, has created the conditions. The existing conditions, well house, spring, the house layout, and driveways limit the location of the new building. Reduction in size is the remaining alternative which doesn’t seem practical. The size has set the height. The location in reference to the adjacent lots appears not to compromise the location. This is a Type II action under SEQR.

A favorable advisory is recommended.

Mr. Tom Geisenhof recommends a favorable advisory as locating a convenient detached garage compliant with all setback requirements on this property would be difficult given driveway location, grades, well, and septic location.

Mrs. Paddick asked if the applicant was available for questions.

Mr. Smith, applicant, wanted to let the Planning Board know that the size of his building was 24’ x 28’ x 18’ not 24’ x 18’ which is what the engineer said.

Mr. Bernard, Planning Board Member, wanted to know that with the corrected size noted will the setbacks be the same?

Mr. Smith explained that the setbacks remain the same. They even tried to purchase some land from the neighbor but they didn't want to.

There being no further discussion, a motion was made by Mr. Donnelly, seconded by Mrs. Snyder, for a favorable advisory to the Zoning Board of Appeals for this Multiple Area Variance.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

- CHRISTOPHER PELTO – 1330 Upper Front St. – TM#111.12-2-30 – Application for an Interpretation of Section 73-10 (non-conforming uses) and possible Multiple Area Variances, for lot size from 12,000 to 5,402, front yard setback from 25' to 15'8", front yard setback from 25' to 9'2", side yard setback from 5' to 3'3", maximum lot coverage from 66% to 60%, and parking from 22 spaces to 10 spaces. (Former JSG Audio location)

Mr. Gent, Town Engineer, reviewed the applicant's application for an interpretation with the possibility of multiple variances.

This building and lot is pre-existing non-conforming and has not been utilized for over 6 months which, therefore; triggers the request. In the past, the building has been used as commercial (CDD Zone). It is also serviced by municipal water and sewer.

A question has been raised by the applicant's attorney as to the need for the variances. Since the user may require parking variances as to the number required and there are parking spaces extending onto the Town ROW. Therefore, to clear this up with one application, parking and other listed variances would appear to be appropriate.

On unanswered question, which would affect parking, would be if the second floor will be used as a dwelling unit requiring two additional spaces. This is a Type II action under SEQ. R.

Based upon the past history of the building, the granting of these variances would be in order and is recommended.

Mr. Tom Geisenhof, Ordinance Office, explains that this property lacks compliance with today's zoning ordinance regarding lot size, building setbacks, and amount of parking. These obstacles, however, did not negatively affect previous low volume business, such as JSG Audio, allowed and located here in the recent past. The Ordinance Office recommends a favorable advisory be forwarded to the ZBA.

Mrs. Snyder, Planning Board Member, wanted the applicant to understand that if the second

story was to be used that a Use Variance would have to be applied for, thus bringing them back to the Planning Board and Zoning Board of Appeals.

Mr. Pelto, applicant, explained that he was selling the building and was applying for the variances before it is sold.

Mr. Warren, Planning Board Member, felt that the variances were required before it was sold. The building has been vacant for six months.

There being no further discussion, a motion was made by Mr. Bernard , seconded by Mr. Warren, for a favorable advisory to the Zoning Board of Appeals for this Interpretation of Section 73-10 and Multiple Area Variances.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

- MICHAEL LUMSDEN – 273 East Hill Rd. – TM#066.02-1-12 – Application for an Area Variance to place an accessory building in front of the principle use.

Mr. Gent, Town Engineer, reviewed the applicant’s application for a Area Variance to place an accessory building in front of the principal use.

The applicant is proposing to dismantle a portion of the building on the adjacent property and rebuild it on the 273 East Hill Rd. parcel, which will be used as a garage for the residence on this parcel. To assist the Board the following information would be helpful –

Other than the well noted on the site plan what prevents placing the building behind the house?

Photos would be helpful.

What improvements, if any, would be made to the remaining and relocated building?

Why will the removing be more useful, in selling the remaining building?

This is a Type II action under SEQR.

Before making a decision, the requested information would further substantiate the request so the requested advisory may be given.

Mr. Tom Geisenhof, Ordinance Office, as the site of the former Sickle’s Garage is to be cleaned up and the buildings removed. Part of the proposed site clean-up is to move a portion of the garage to the site next door for a residential garage recycling a useful building. Relocating the building to a compliant area on the lot is difficult due to the lot topography, well and septic location. Due to these constraints and the minimal impact that a garage in front of the house would have in this rural area, leads the Ordinance Office to recommend that a favorable advisory be forwarded to the ZBA.

Mr. Mike Lumsden, applicant, explained to the Planning Board Members that it would be cheaper to recycle the garage than to demolish it. He recently demolished a structure in the Town of Chenango, and it cost him \$4,000 at the landfill. Can't place the detached garage any place else on property because of the well, septic, a hill, and guide wires. The house sits way back next to the woods, so no one will know that it's there. He has pictures for the Board Members to see.

There being no further discussion, a motion was made by Mrs. Snyder, seconded by Mr. Bernard, for a favorable advisory to the Zoning Board of Appeals for this Area Variance.

ROLL CALL: Ayes – 5 Nays – 0 Absent - 0

ADJOURNMENT

There being no further business before the Board, a motion was made by Mrs. Snyder, seconded by Mr. Bernard, to adjourn the meeting at 7:36 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary