

ZONING BOARD MEETING
TUESDAY – SEPTEMBER 27, 2011
ZONING BOARD
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NEW YORK – 13901

PRESENT: Mr. Donald L. Phillips, Chairman
Messrs. Ruston, Waskie, Doolittle, & Grannis

ALSO PRESENT: Donald G. Walls, Esq. - Town Attorney
Russ Hemedinger, Councilperson
Thomas Geisenhof, Code Enforcement

ABSENT: Mr. DiMascio, Alternate

The meeting convened at 7:00 p.m. at which time Mr. Phillips called the meeting to order and welcomed the audience. Mr. Ruston read a statement which explained how the Zoning Board members are appointed, along with the Board's functions, limitations and duties. Mr. Ruston noted that the reading of this statement not only informs the audience about the Zoning Board of Appeals, but it also reminds the Board members of their responsibilities. Mr. Ruston also read the Notices of Publication for each case, which was duly published, as required by law, and as evidenced by Affidavits of Publication received and placed on file.

APPROVAL OF THE MINUTES

- Approval of the August 23, 2011, Zoning Board Meeting.

A motion was made by Mr. Ruston, seconded by Mr. Waskie to approve the Minutes of the August 23, 2011, Regular Meeting.

ROLL CALL: AYES – 5 NAYS – 0

PUBLIC HEARINGS

- JOHN CLARK – 10 Willow Ln. – TM#112.12-1-15 – Application for a Double Area Variance to construct a front porch with less than required front footage from 30' to 23' and to place an accessory building in front of the principal residence.

Mr. Walls conducted the Public Hearing.

Mr. Walls asked Ms. Megan Clark to explain where the accessory building would be placed and why they needed an Area Variance.

Ms. Clark explained the accessory building is currently next to their home and they want to move it behind the house. Unfortunately, they have two “fronts” to their property. The house faces Willow Ln. and the rear of the house is along Park Ave. The accessory will be placed 30’ from there Park Ave. property line and 5’ from the side boundary, but they require the Area Variance to place the accessory by Park Ave.

Mr. Walls wanted to know what the accessory building be used for?

Ms. Clark explained that the lawn mower, hand tools and the ATV would be placed in the building.

Mr. Walls wanted to know the size of the building.

Ms. Clark thought the size was 10’ x 12’ but she was not sure as her husband filed the application. It could be 8’ x 12’.

Mr. Walls wanted to know why they needed the variance for the front porch.

Ms. Clark explained that they removed the existing porch as it was starting to rot due to water damage. The original porch was 4’ but they wanted to extend the new porch out to 7’ and have it run the entire length of the house.

Mr. Geisenhof, Ordinance Office, recommends that this property, according to the Town Code definition, has two front yards; therefore, constructing any addition or structure within the front yards will create a noncompliant placement or setback situation. Given the minimal impact these two situations have on the neighborhood, the Ordinance Office recommends a favorable advisory.

Mr. Walls closed the Public Hearing.

Mr. Phillips, Chairman ZBA, read the following correspondence.

Town Engineer recommends that do to frontage on two roads the setback issue becomes a variance problem. A favorable advisory is recommended.

Broome County Planning has reviewed the case and has not identified any significant countywide impacts associated with the project.

Town Planning Board recommends a favorable advisory.

NEW BUSINESS

MICHAEL & NANCY MCGOWAN – 15 Woodland Rd. – TM# 112.22-1-24-
Application for Use Variance to operate a fitness center in a Neighborhood Commercial zone.

RECOMMENDATION -

The Ordinance Office finds this application to be complete and would recommend the Board accept and schedule the Public Hearing for October 25, 2011.

A motion was made by Mr. Doolittle, seconded by Mr. Waskie, and unanimously carried to accept this application for an Use Variance to operate a fitness center in a Neighborhood Commercial zone and schedule a Public Hearing to be held on October 25, 2011, or as soon as the matter may be heard.

ROLL CALL: AYES - 5 NAYS – 0

- THE HUMANE SOCIETY- 1946 NYS Rte. 12 – TM#078.19-3-15.12 – Application for Special Permit to operate the Broome County Humane Society in an Agriculture Zone.

RECOMMENDATION -

The Ordinance Office finds this application to be complete and would recommend the Board accept and schedule the Public Hearing for October 25, 2011.

A motion was made by Mr. Ruston, seconded by Mr. Doolittle , and unanimously carried to accept this application for an Special Permit to operate the Broome County Humane Society in an Agriculture Zone and schedule a Public Hearing to be held on October 25, 2011, or as soon as the matter may be heard.

ROLL CALL: AYES - 5 NAYS – 0

RENEWAL

- JESSICA CHELLIS & REBECCA BACON – 74 Carmichael Rd. – TM#112.05-3-26-
Special Permit application for a 1 year renewal (V-08 2010) to harbor more than 3 dogs.

Mr. Phillips, Chairman ZBA, wanted to know if there have been any complaints regarding Ms. Chellis' dogs.

Mr. Geisenhof, Ordinance Office, has received four unsubstantiated complaints regarding barking dogs since February. Each complaint has come from the same person. It is impossible for the Dog Control Officer to determine the source of the barking dogs, as there are other homes in this area that have dogs.

Ms. Chellis explained that they do have one male neighbor that constantly complains about the dogs in the neighborhood. She has approached this person and asked what he finds so offensive.

Mr. Geisenhof, Ordinance Office, recommends that the Special Permit be granted with a one year renewal.

Mr. Doolittle, ZBA Member, wanted to know how close does he reside?

Ms. Chellis explained that he's about 100' from the house. She also wants the Board to know that during the month of May they have written a log as to when their dogs have barked.

Mr. Phillips, ZBA Chairman, asked if Ms. Chellis would bring in the log so it can be placed in the file.

A motion was made by Mr. Ruston, seconded by Mr. Doolittle, and unanimously carried to approve this Special Permit to harbor more than 3 dogs with the condition that the applicant renew in one year.

ROLL CALL: AYES - 5 NAYS - 0

VOTES ON PUBLIC HEARING

- JOHN CLARK – 10 Willow Ln. – TM#112.12-1-15 – Application for a Double Area Variance to construct a front porch with less than required front footage from 30' to 23' and to place an accessory building in front of the principal residence.

A motion was made by Mr. Doolittle, seconded by Mr. Grannis, and unanimously carried to approve this Area Variance to replace an existing front porch with less than required front yard setback from 30' to 23'.

ROLL CALL: AYES - 5 NAYS - 0

A motion was made by Mr. Doolittle, seconded by Mr. Grannis, and unanimously carried to approve this Area Variance to place an accessory building in front of the principle use.

ROLL CALL: AYES - 5 NAYS - 0

Mr. Phillips wanted the ZBA Members to know that the Ordinance Office received a letter from the United Methodist Church with regards to the L.E.D. sign. He read the letter into the minutes, which is attached.

Mr. Doolittle has requested that more residence be notified with regards to the Humane Society's application for a Use Variance. He'd like all of Pamela Dr. and Front St. on both sides from each end of Pamela Dr.

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Doolittle, seconded by Mr. Waskie to adjourn the meeting at 7:25 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary

