

ZONING BOARD MEETING
TUESDAY – AUGUST 23, 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, & DiMascio

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

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 July 26, 2011, Zoning Board Meeting.

A motion was made by Mr. Ruston, seconded by Mr. Doolittle to approve the Minutes of the July 26, 2011, Regular Meeting.

ROLL CALL: AYES – 5 NAYS – 0

PUBLIC HEARINGS

- RICHARD BIRDSALL, EXEC. – 18 Carmichael Rd. – TM#112.09-3-9 – Application for a Use Variance to place a double wide on the property.

Mr. Walls conducted the Public Hearing.

Mr. Walls asked Mr. Richard Birdsall, son and Executor, to explain what his plans were for the property located at 18 Carmichael Rd.

Mr. Birdsall explained that he wants to demolish the existing house and replace it with a double wide. The new double wide will look like a house and not a mobile home as it will have 8' interior walls and a 4/12 pitch roof. The size is 56' x 27' and will be HUD approved.

Mr. Walls wanted to know if the new home would be placed on a foundation and if all towing vestiges would be removed.

Mr. Birdsall explained that the base of the new home would be sealed and placed on piers which will be incased in the concrete slab. All of the towing vestiges will be removed.

Mr. Walls wanted to know what the approximate timeframe would be for the new house and to explain to the Board where the garage would be placed.

Mr. Birdsall explained that they plan on demolishing the existing house (has holes in floor and the roof leaks) while the double wide is being constructed. G & I Homes says it will be about 6 to 8 weeks for the construction of our double wide. So we hope to be in the house by the end of December or beginning of January. The garage will actually be a detached two car garage and will match the color of the house.

Mr. Walls wanted to know if there will be landscaping and skirting around the foundation.

Mr. Birdsall explained there is existing landscaping they plan on keeping – bushes along the property boundary. There is an existing tree in the back which will be removed and replaced with a smaller one. Yes there will be skirting around the foundation – fake brick.

The Ordinance Office finds that the owners propose to remove an existing dilapidated single family residence and replace it with a new manufactured home, which is not allowed in a Residential Zone. If manufactured homes are installed to the manufacturer's specifications, they often can look as if they are site built homes and in keeping with the neighborhood character, while providing a more affordable alternative to site built homes. The Ordinance office recommends that a variance to place a double wide manufactured home be granted by the zoning Board of Appeals; with a building permit and compliance with the Town engineer's recommendations being required.

Mr. Walls closed the Public Hearing.

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

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

Town Planning Board recommends a favorable advisory.

Town Engineer finds that double wide manufactured homes are well built and have proper insulation. The following conditions should be a part of the approval –

All vestiges of towing should be removed.

Proper landscaping.

Skirting should be compatible with single family construction.

The proposed garage must be free-standing – not attached.

The porch if not build as a part of the home must be free standing.

- DAVID R. CARNER – 26 Panorama Dr. – TM#095.19-1-38 – Application for an Area Variance to exceed the maximum height for an accessory building from 16’ to 22’.

Mr. Walls conducted the Public Hearing.

Mr. Walls asked Jan Carner, applicant, to explain why they needed the variance.

Mrs. Carner explained that her brother Jim has moved in with them and needed a place to store his personal belongings. With assistance from her nephew they started building the shed. They didn’t realize that they needed a building permit and that there was a height requirement on sheds. The shed is surrounded by woods so no one can really see they have one.

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

Mrs. Carner explained that the size of the shed is 12’W x 16’L x 22’D.

Mr. Carlton Smith, 31 Panorama Dr., wanted the Board to know his property adjacent to the Carner’s and he has photos that he’d like to give to the Board. He explained the seven photos and gave them to the Board. He is in favor of the Carner’s getting the variance.

The Ordinance Office finds that the owners have built a two story shed in a secluded back yard without a building permit or knowledge of any local codes; therefore, the shed was built too tall; but complies with local and state laws. Given that the shed has natural buffers and minimal negative impact on the neighborhood, the Ordinance office recommends that a variance to place a shed that is taller (by six feet) than the allowed sixteen feet be granted by the Zoning Board of Appeals; with a building permit being required.

Mr. Walls closed the Public Hearing.

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

Broome County Planning has reviewed the above-cited case and finds that the project is not subject to review as it is not located within 500 feet of the County interests.

Town Planning Board recommends a favorable advisory.

Town Engineer has reviewed the application and due to the natural buffering from existing trees approval is recommended.

NEW BUSINESS

- 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.

RECOMMENDATION -

The Ordinance Office finds this application to be complete and would recommend the Board accept and schedule the Public Hearing for September 27, 2011.

A motion was made by Mr. Doolittle, seconded by Mr. Ruston, and unanimously carried to accept this application for an Area Variance to replace existing front porch with less than required front yard setback from 30’ to 23’ and schedule a Public Hearing to be held on September 27, 2011, or as soon as the matter may be heard.

ROLL CALL: AYES - 5 NAYS - 0

A motion was made by Mr. Doolittle, seconded by Mr. Waskie, and unanimously carried to accept this application for an Area Variance to place an accessory building in front of the principle use and schedule a Public Hearing to be held on September 27, 2011, or as soon as the matter may be heard.

ROLL CALL: AYES - 5 NAYS - 0

VOTES ON PUBLIC HEARING

- RICHARD BIRDSALL, EXEC. – 18 Carmichael Rd. – TM#112.09-3-9 – Application for a Use Variance to place a double wide on the property.

A motion was made by Mr. Ruston, seconded by Mr. Doolittle, and unanimously carried to approve this Use Variance to place a double wide on the property.

ROLL CALL: AYES - 5 NAYS - 0

Mr. Waskie, ZBA Member, wanted to know if the existing shed would be removed and if the four vehicles that are on the property now would be removed.

Mr. Birdsall explained that the shed would be removed as well as the four cars.

Mr. Grannis, ZBA Member, liked the idea that the applicant was having the double wide look more like a stick built house. Having the interior walls 8' in height and the roof have a 5/12 pitch will enhance the building.

- DAVID R. CARNER – 26 Panorama Dr. – TM#095.19-1-38 – Application for an Area Variance to exceed the maximum height for an accessory building from 16' to 22'.

A motion was made by Mr. Ruston, seconded by Mr. Waskie, and unanimously carried to approve this Area Variance to exceed the maximum height for an accessory building from 16' to 22'.

ROLL CALL: AYES - 5 NAYS – 0

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Waskie, seconded by Mr. Doolittle to adjourn the meeting at 7:38 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary

