

ZONING BOARD MEETING
TUESDAY – APRIL 26, 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
Thomas Geisenhof, Code Enforcement
Russ Hemedinger, Councilperson

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 February 22, 2011, Zoning Board Meeting.

A motion was made by Mr. Doolittle, seconded by Mr. Ruston to approve the Minutes of the February 22, 2011, Regular Meeting.

ROLL CALL: AYES – 5 NAYS – 0

NEW BUSINESS

- JAMES HAZELTON – Portion of 435 Port Rd. – TM#067.03-1-21.11 – Application for an Area Variance to create a lot with less than required acreage from 2 acres to 1.1846 acres.

RECOMMENDATION -

The Ordinance Office finds this application to be complete and would recommend the Board accept and schedule the Public Hearing for April 26, 2011.

A motion was made by Mr. Waskie, seconded by Mr. Doolittle, and unanimously carried to accept this application for an Area Variance and schedule a Public Hearing to be held on April 26, 2011, or as soon as the matter may be heard.

ROLL CALL: AYES - 5 NAYS - 0

PUBLIC HEARINGS

- BARRY ARNOLD – 697 Brotzman Rd. – Portion of TM#066.04-1-10.2 – Application for an Area Variance to subdivide a lot with less than required road frontage from 240’ to 227.91’.

Mr. Walls conducted the Public Hearing.

Mr. Walls asked Mr. Arnold to briefly explain what he wanted to do with his parcel.

Mr. Arnold explained that when he purchased his property it was one parcel. The original owner had combined the two lots prior to his purchase. He would like to subdivide the lot creating a second buildable parcel.

Mr. Walls wanted to know if there was any other property available to purchase so a variance would not be necessary.

Mr. Arnold explained there was no other property available to purchase.

Mr. Walls wanted to know why the owner was not using more of his road frontage as he has approximately 468’.

Mr. Arnold explained that he doesn’t want to move his existing driveway to add more road frontage – that would create a financial hardship.

Mr. Walls wanted to know if once the parcel is subdivided would that parcel need more variances to build?

Mr. Arnold explained that that parcel should not need any more area variances.

Mr. Thomas Geisenhof, Ordinance Office, recommends approval as by reducing the required road frontage by 12.09’ (240’ to 227.91’) would have minimal impact on the neighboring properties.

No comment from the ZBA Members at this time Mr. Walls closed the Public Hearing.

Mr. Phillips read the following correspondence.

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

NYSDOT has reviewed the case and has no concerns.

Town of Chenango Planning recommends a favorable advisory.

Gent Engineering recommends approval with the condition that any new development, the well and septic should be located as not to impact the existing house. Well upgrade and septic down grade.

- JAMES HAZELTON – Portion of 435 Port Rd. – TM#067.03-1-21.11– Application for an Area Variance to create a lot with less than required acreage from 2 acres to 1.1846 acres.

Mr. Walls conducted the Public Hearing.

Mr. Gary Whistle, Whistle Design, will be representing the Hazelton's.

Mr. Walls wanted to know the zoning for this parcel and the reason for the Area Variance.

Mr. Whistle explained that the property is zoned agriculture and because of that property is required to have 240' of road frontage and 2 acres. This parcel has 240' of road frontage but does not have 2 acres it has 1.186 acres. There is more land attached to this property via an easement there is additional acres in back, but the Hazelton's are looking to sell their dad's house which is situated on this property.

Mr. Walls wanted to know if the easement stays with this parcel.

Mr. Whistle explained that it does and a copy of the easement is on file with the Ordinance Office.

Mr. Walls wanted to know if all the setbacks on the existing house meet the agriculture zone requirements.

Mr. Hazelton explained that the existing house and outbuildings meet the setback requirements, and that he is currently removing sections/additions to the house that his dad built. His dad randomly built additions onto his house. Many of these additions were just screwed in so he is removing them.

Mr. Walls wanted to know if the sewer needed to be replaced would the existing lot accommodate one.

Mr. Whistle explained that a second septic could be placed on the existing one, but the current septic is working fine. This septic actually took care of three families. Mr. Hazelton turned his house into a three family residence.

Mr. Walls wanted to know what the Hazelton's were planning on doing with their dad's house.

Mr. Hazelton explained that once he's removed the additions and cleaned the place up they will most likely sell it.

Thomas Geisenhof, Ordinance Office, recommends approval since the Engineer and Planning Board's concern were clarified to a point where only one Area Variance for less than the required two acres is necessary.

Mr. Doolittle, ZBA Member, wanted to make sure he understood that the driveway of part of the road frontage. So, whoever owns the house is the person pays the taxes on the driveway as well.

Also wanted to make sure there was enough space for a new Broome County approved septic.

Mr. Whistle explained that the current septic is a sand filter type and that a second septic could be placed on top of the existing one.

Mr. Hazelton explained that currently there are three full bathrooms in the house. He plans on demolishing one of the bathrooms and making the house a single family residence.

Mr. Phillips, Chairman ZBA, wanted to know the depth of the existing well.

Mr. Hazelton explained that they think the depth of the well is 200' with enough capacity for three families.

Mr. Walls closed the Public Hearing.

Mr. Phillips read the following correspondence.

Broome County Planning has reviewed the case and has determined the project is not subject to review.

Town Planning recommends a favorable advisory.

Gent Engineer wants the following concerns addresses –

If the access driveway is a ROW rather than easement the lot width may be less

than 240' frontage, 232.67' rather than 257.67'. If this is true a second variance may be required. Also, if there is a ROW side yard setbacks may be required for the house & out building additions.

VOTES ON PUBLIC HEARING

- BARRY ARNOLD – 697 Brotzman Rd. – Portion of TM#066.04-1-10.2 – Application for an Area Variance to subdivide a lot with less than required road frontage from 240' to 227.91'.

A motion was made by Mr. Ruston, seconded by Mr. Waskie, and unanimously carried to approve the Area Variance to subdivide a lot with less than required road frontage from 240' to 227.91' was approved

ROLL CALL: AYES - 4 NAYS - 0

- JAMES HAZELTON – Portion of 435 Port Rd. – TM#067.03-1-21.11– Application for an Area Variance to create a lot with less than required acreage from 2 acres to 1.1846 acres.

A motion was made by Mr. Waskie, seconded by Mr. Doolittle, and unanimously carried to approve the Area Variance to create a lot with less than required acreage from 2 acres to 1.1846 acres.

Mr. Ruston, ZBA Member, was okay with the variance. Felt that this would be a desirable change for the area.

Mr. Waskie, ZBA Member, also felt this was a desirable change.

Mr. Doolittle, ZBA Member, felt the change would benefit the area. Would like to keep the house as a single family – not the three family it was years ago. The area is zoned agriculture, with the existing homes as single family. Would the Board amend the motion to only allow a single family residence on this parcel?

An amended motion was made by Mr. Waskie, seconded by Mr. Doolittle, and unanimously carried to approve the Area Variance to create a lot with less than required acreage from 2 acres to 1.1846 acres with the condition that only a single family residence be allowed on this parcel was approved.

ROLL CALL: AYES - 4 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 7:32 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary

