PLANNING BOARD
REGULAR ZOOM MEETING
MONDAY JULY 12, 2021
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901

Approval of the June 14, 2021 Regular Planning Board Minutes.

PRESENT: Brian Donnelly – Interim Chair
Messer: Blythe, Worden, Szenher and Eldridge

ALSO, PRESENT: Alex Urda P.E. - Town Engineer
John Freer – Building/Code Inspector
Nicholas Cortese - Planning / Zoning Atty.

ABSENT: Michael Boland – Planning Board Alternate

Mr. Donnelly - Being 7:00 p.m. I would like to begin the Planning Board meeting .The first order of business is the approval of the June 14, 2021 Planning Board Minutes.
A motion was made by Mr. Blythe, seconded by Mr. Szenher to approve the minutes from the June 14, 2021 regular zoom meeting.

Roll Call: Ayes - 5 Nays- 0 Absent –1- (Boland)

NEW BUSINESS

- **2021-PB11 -All Leather & Repairs –** Julie Strauss & Mark Behory – 32 Chenango Bridge Rd. - TM#112.05-2-3- Application for commercial re-occupancy to sell and repair leather goods in a CD Zone and Short EAF.

Mr. Cortese –Just before we get started I just found out this afternoon our firm Coughlin and Gerhart does have a conflict in this matter to the extent we have represented this applicant and continue to represent this applicant. It is not related nor did we offer any advice or represent anything on this site plan application. Due to the conflict I will be recusing myself from this application. I will note that this is a Type II action under SEQR and no further action is required, because it is a commercial re-occupancy. Other then that I think you guys could probably handle this application on your own. If you can't let me know and we can talk about what we can do next.

Mr. Urda - The referenced application is a site plan request for the re-occupancy for All Leather and Repairs to sell and repair leather goods in a CD zone.

The Site Plan application package included:	Dated:	Rcvd.:
• Planning Board Application with Permissions	06/07/21	06/07/21
• Letter from Applicant	06/04/21	06/07/21
• Short EAF 06/05/21	06/07/21	
• Site Sketches ---	06/07/21	
• Signage Plans	05/21/21	06/07/21

We offer the following comments:

1. The facility has existing parking which is not being changed and has previously been adequate for similar approved uses. The applicant shall assure that they, or the owner, provide and maintain exterior ADA accessible parking spaces (2 minimum), aisles, access routes, markings, slopes, and signage in accordance with ICC/ANSI, A117.1, 2009 (or latest revision) and the current Building Code of the State of New York, Chapter 11 (or latest revision). Stall sizing shall be no less than 8.5ftx18ft.
2. The project is within an Aquifer Protection District Zone 1 – Wellhead Protection Zone (§73-55). The plan is in compliance with this zone and shall continue to be.
3. Site lighting is not changed.
4. Site landscaping is not changed.
5. Project signage information was provided. Coordinate with the code office for a signage permit and coordinate setbacks are met.
6. SEQR Short EAF Part 1 we note the following a. #12b. Archaeo sensitive is "Yes" but area is preexisting disturbance with no new disturbance.
b. #15 NYSDEC ERM indicates that the site is 100% within a "Rare plants or Animals" zone, however none are anticipated on-site. The species noted is a riverine based mussel.
#16 Answer 'Yes'. The rear of the parcel site is within the 100-year and 500-year floodplains.
7. Broome County 239 review is required.
We have no engineering objections to the application.

Mr. Freer- The Ordinance Office has no concerns with this commercial re-occupancy it will require a fire inspection prior to opening for business along with a sign permit prior to any sign being erected.

The applicant was present to answer questions from the board.

Mr. Blythe – Are you taking over the entire building?

Todd- We are leasing 3000 square feet, we are not taking over the entire building. we have already applied for our sign permit and we anticipate moving in at the end of September.

Mr. Donnelly – Any other questions of the applicant? There being none can we have a motion?

A motion was made by Mr. Worden seconded by Mr. Szenher to approve this commercial re-occupancy for All Leathers and Repair.

Roll Call: Ayes - 5 Nays- 0 Absent – 1- (Boland)

Mr. Donnelly – Diane you will be sending the applicant something regarding our decision?

Ms. Aurelio – Yes.

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- **2021-PB12 - Adriane Deyo** – 251 Dorman Rd. – TM#111.11-1-11- Application for a special permit to exceed the maximum allowed accessories in an Agricultural Zone from 2 to 3 accessory structures & Short EAF.

Mr. Urda - The referenced application is for a special use permit to exceed the maximum allowed accessory structures on a parcel from 2 to 3 for addition of a two car, detached garage in an agricultural zone.

The Special Permit application package included:	Dated:	Rcvd.:
• Planning Board Application with Permissions	06/15/21	06/16/21
• Letter from Applicant ---	06/16/21	
• Broome County Parcel Mapper with location sketch ---	06/16/21	
• Short EAF	06/15/21	06/16/21

We offer the following comments:

1. The site is within a Zone III Watershed Area (§73-57) (for aquifer protection). The project poses no impacts.
2. The application does not require 239 review.
3. The SEQR Short EAF part one we offer: a. #1 should be answered "NO"

b. #s 9, 10, and 11 are not applicable

c. #12b should be "No"

We have no engineering objections to the special permit.

Mr. Freer – The Ordinance Office has no concerns with the number of accessory structures. A building permit will be required.

Mr. Donnelly – I'll read the public hearing notice it states the following:

TOWN OF CHENANGO PLANNING BOARD
NOTICE OF PUBLIC HEARING

TAKE NOTICE that a public hearing will be held by the Planning Board of the Town of Chenango on July 12, 2021 at 7:00 p.m. at Chenango Town Hall, 1529 NY Rte. 12, Binghamton, NY upon the application of Adriane and Jesse Deyo regarding property located at 251 Dorman Road in the Town of Chenango, Tax Map No. 111.11-1-11, and located in an Agricultural Zone. The application is for a Special Use Permit to allow for more than two (2) accessory structures on said property. The environmental significance of the requested permit, if any, will be reviewed by the Board at said hearing.

This Special Use Permit application is open to inspection at the Town of Chenango Ordinance Office, 1529 NY Rte. 12, Binghamton, NY. Persons wishing to appear at the hearing may do so in person or by other representation. Persons who require assistance in attending said public hearing, or in furnishing comments and suggestions, should contact the undersigned to request such assistance.

Dated: July 6, 2021

Brian Donnelly, Interim Chairperson
Town of Chenango Planning Board

Mr. Donnelly –I'll opened the public hearing does anyone wish to speak on this application. Does the Board have any questions .There being none I will close that portion of the public hearing. Does the board have any comments or concerns?

Mr. Cortese –. Mr. Deyo just so you are aware, we just had one last month asking for the same special permit and we always attach conditions to special permits. So yu are allowed two accessory structures on your property, you are asking for three accessory structures. You only have three correct?

Mr. Deyo – Yes, a shed, pool and garage.

Mr. Cortese – Ok w can go over the resolution for the special permit there are conditions the applicant should be aware of. Such as limiting the number of accessory structures. So your property can have no more than three structures. When you build the garage, you will comply with the setback requirements and square footage of the Town of Chenango Zoning Code. If the structure does not comply with the Zoning Code the appropriate variances must be obtained from the Zoning Board of Appeals prior to any commencement of construction.
Last the number of accessory structures on the property is reduced to two or fewer for a period of 365 consecutive days this permit shall expire.
Does the board agree with these conditions? Yes.
This is a Type II action as defined under SEQR regulations. In as much the special permit would authorize the construction, expansion, or replacement of a minor accessory/appurtenant residential structures. no further environmental review action is required.

Mr. Donnelly – Does the board have any other questions. If not, can we have a motion?

A motion was made by Mr. Blythe, seconded by Mr. Worden to approve this special permit with the following conditions:

1. The property shall contain no more than (3) three accessory structures.

2. The accessory structures shall comply with all requirements of the Town of Chenango Zoning Code, including, but not limited to setbacks and square footage. If any proposed accessory structure does not comply with the Zoning Code, appropriate variances must be obtained from the Zoning Board of Appeals prior to the commencement of construction.

3. If the number of accessory structures on the property is reduced to two (2) or fewer for a period of 365 consecutive days, this special permit shall expire.

Roll Call: Ayes - 4 Nays- 0 Abstain – 1 Donnelly Absent – 1- (Boland)

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ADVISORY OPINION/REFERAL

- **2021- V06- Peter & Florence Piech –** 83 Willis Rd.- TM#111.03-1-8- Application for an area variance to construct a shed over the maximum size allowed from 125’ to 288’ in an Agricultural Zone & Short EAF.

Mr. Urda - This application is for a variance to construct a shed over the maximum size allowed from 125 SF to 288 SF in an agricultural.

Discussion: The application package included:	Dated:	Rcvd.:
• Planning Board Application with Permissions	06/08/21	06/08/21
• Applicant letter by owner	06/08/21	06/08/21
• Photo of existing barn ---	06/08/21	
• Photo of style of proposed shed ---	06/08/21	
• Parcel Map of with sketch of buildings on site ---	06/08/21	
• Short EAF	03/26/21	03/30/21

We offer the following comments:
1. The application does not require 239 review.
2. The SEQR Short EAF part one we offer: a. #9 Should be 'NO' but is not applicable
b. #s 10 and 11 are not applicable
In reviewing the Code of the Town of Chenango, Article VII §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.

Mr. Freer – The Ordinance Office has no concerns a building permit will be required.

The board unanimously agreed this will be a big improvement to the property.

Mr. Eldridge – Where is the board at on changing the shed size, I thought they were working on it.

Mr. Cortese – There is a massive overhaul, comprehensive overhaul of all of the zoning codes.

There being no further questions a motion was made by Mr. Blythe, seconded by Mr. Eldridge to forward a favorable advisory to the Zoning Board of Appeals.

Roll Call: Ayes - 5 Nays- 0 Absent- 1- (Boland)

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- **2021 - V07 - Alexis Stabler –** 138 Stacy Dr. – TM#111.07-1-1- Application for an area variance to exceed the maximum shed size from 125' to 308' in an Agricultural Zone and Short EAF.

Mr. Urda - The referenced application is for an area variance to construct a shed exceeding maximum size from 125 SF to 308 SF in an agricultural zone.

The application package included:	Dated	: Rcvd.:
• Planning Board Application with Permissions	04/01/21	06/11/21
• Applicant letter signed by owner	04/06/21	06/11/21
• Parcel Maps with shed location sketch ---	06/11/21	
• Shed elevation view ---	06/11/21	
• Short EAF	06/11/21	06/11/21

We offer the following comments:
1. The site is within a Zone III Watershed Area (§73-57) (for aquifer protection). The project poses no impacts.

2. The application does not require 239 review.
3. The SEQR Short EAF part one we offer: a. #s 9, 10, and 11 are not applicable
In reviewing the Code of the Town of Chenango, Article VII §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.

Mr. Freer- The Ordinance Office has no concerns a building permit will be required.

Applicant was present to answer questions from the board.

Brad Stabler – I'm Alexis husband so I can answer any questions. We purchased the land and built a 3700 square foot home, everything was fine until we wanted to build a shed and that's when we found out it was an issue. I've discussed this with Mr. Freer and they are in the process of changing the zoning but, we need the shed now. So here I am.

Mr. Donnelly – Does the board have any questions for the applicant. There being none can we have a motion?

There being no further questions a motion was made by Mr. Worden, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals.

Roll Call: Ayes - 5 Nays- 0 Absent – 1-(Boland)

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There being no further business before the board a motion was made by Mr. Szenher seconded by Mr. to adjourn the meeting at 7:20 p.m.

ADJOURNMENT

Respectfully submitted,

Diane Aurelio
Ordinance Secretary