

**PLANNING BOARD
REGULAR ZOOM MEETING
MONDAY MARCH 8, 2021
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the February 8, 2021 Regular Planning Board Minutes.

PRESENT: Cynthia Paddick - Chair
Messer: Donnelly, Blythe, Worden, and Szenher

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

ABSENT: Michael Boland – Alternate

Ms. Paddick – I need to read the virtual meeting information for the record and take a roll call of the board members to see who is in attendance for the virtual Planning Board meeting. We have to make sure that the transcription reflects there is a quorum.

With that being said the meeting convened at 7:00 p.m. at which time Ms. Paddick called the meeting to order and read the opening of a virtual meeting, roll call of who is in attendance.

- James Boland absent
- Jamie Szenher aye
- Kevin Worden aye
- Alan Blythe aye
- Brian Donnelly aye
- Ms. Paddick aye

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

So, it appears we do have a quorum present to proceed.

This meeting is being held via Zoom virtual meeting software, as permitted by the Governor's Executive Orders 202.1, 202.10 and 202.15, which were most recently extended by Executive Order 202.87 and 202.9and 202.95.

Ms. Paddick - Tonight's meeting is being recorded, and will be transcribed at a later date. Diane if you can put this in the record:

Now we can proceed with the agenda, first is the approval of the Planning Board minutes from February 8,2021.

A motion was made by Mr. Blythe, seconded by Mr. Worden to approve the minutes from the February 8, 2021 regular zoom meeting.

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

Mr. Szenher – I will be recusing myself from the Kelsey Hamilton application.

Ms. Paddick - That's fine will still have a quorum to proceed.

NEW BUSINESS

- **2021-PB01-Kelsey Hamilton** – 1321 River Rd. -TM#079.18-1-1- Application for a special permit to harbor more than 3 dogs in an agricultural zone & Short EAF

Mr. Urda – The referenced application is a special permit request to harbor more than three dogs (four total) in an Agricultural Zone.

This special permit included:

	Dated:	Rcvd:
Planning Board Application with Permissions	01/11/21	01/11/21
Letter from Applicant -with Photos of Dogs	01/11/21	01/11/21
Shore EAF	01/11/21	01/11/21

We have no engineering objections to the special permit.

Mr. Freer- The ordinance office recommends approval to harbor more than three dogs not to exceed more than four dogs.

Ms. Paddick – I would like to open the public hearing that was advertised in the matter of the application of Kelsey Hamilton regarding property located at 1321 River Road in the Town of Chenango, Tax Map No. 079.18-1-1, and located in an Agricultural Zone. The application is for a Special Use Permit to harbor more than three licensed dogs. The applicant is present, so I will open the public hearing for comments. Does anyone wish to speak ? Again, I don't control taking people off mute to speak.

Mr. Cortese- Diane if you make me a co-host I can unmute people so you can continue taking notes.

Ms. Paddick – Does anyone wish to speak?

Mr. Cortese- I'm having some kind of an issue with zoom. Screen is frozen unable to unmute anyone. I'm going to log out and log back in.

Ms. Paddick – Sorry for the technical difficulties, if everyone could just wait a few minutes to get our town attorney back on here.

Mr. Cortese – Ok I'm back on, sorry about that. Anyone with video can look at the bottom portion of your screen there will be a bar where you can raise your hand and it sends you to

the front of the screen like I just did. So, if you have a comment to make that would be very helpful.

Renee Taylor – I like to say a few words regarding Kelsey and Dave’s dogs on their behalf. We have known them for a couple of years and their dogs. I’d like to state these are dogs we had in our personal home, around my children and cats, my neighbors and their small children. I would never question having them in my home again. I know how Kelsey and Dave dogs are well loved they are and cared for and well trained. I can’t imagine having any issues with them having four dogs in the house. If you have any specific questions we would be more than happy to answer them.

Ms. Paddick – Anyone else wish to be heard?

More technical difficulties.

Doug and Kathy- I think by listening I’ve answered my question. We are neighbors here wondering if these are just family pets not a kennel right, just four dogs correct, so were good. We were only introduced once, we are their neighbors, but were good so were going to leave now, thank you.

Ms. Paddick – Does anyone else wish to be recognized?

Mr. Cortese- We do have a caller#6921 go ahead and unmute-to make a comment. Ok apparently not.

Ms. Paddick – Any other comments?

Mr. Cortese – I don’t see anyone.

Ms. Paddick – Should we close the public comment period for the public hearing or should I also mention the email we received from the Braxton Stout-Moran family.

Mr. Cortese – Yes, I would make mention of that and it should be entered into the minutes along with any other questions of the applicant.

Ms. Paddick- Braxton Stout-Moran family who lives at 1320 River Road. Who had concerns of the height of the four-foot fence and the dogs had jumped the fence before. Concerned about the dogs jumping the four-foot fence and getting into their yard with her small children and their own dog. That’s a brief synopsis to put into the public hearing portion.

So, Diane, I would like to add to the public comment portion the email from the Braxton Stout Moran Family entered into the record verbatim.

Here is the email entirely:

Resident of 1323 River Road Binghamton, NY 13901 regarding 1321 River Road Binghamton, NY 13901. We do not have a problem with the multiple dogs however these dogs are police trained

and jump 6 feet over obstacles in their backyard. Kelsey Hamilton's fence is only 4ft high, it can be jumped over with ease by their dogs. Recently we have seen them in our backyard after hoping the fence and we have a small puppy and another medium sized dog and next to us is two young children so we feel the need that they would need a 7 to 8- foot fence. Obviously, we don't want their dogs to jump the fence and chase and hurt/kill one of our dogs , cats, or even hurt us. We've owned a German Shepherd dog Before and when he gets older they get much more temperamental and uncontrollable.

Sincerely,
Stout-Moran family

Ms. Paddick -So, does anyone from the board have questions of the applicant?

Mr. Blythe – I have one I noticed on the January 11th letter you sent to the town she is a local dog trainer, what does that entail?

Ms. Hamilton –It's just a local dog training obedience classes in this area. I don't boarded dogs. I do group classes other than that it's just basic dog obedience. Do you have any specific questions about it?

Mr. Blythe – Where do you hold your training classes and for how long?

Ms. Hamilton –It depends, sometimes in the park during the warmer months. Or I'll have four dogs come and we'll do them in our double bay heated garage. Everyone is leashed, no aggressive dogs in the house. Because group classes are not for meant for aggressive dogs.

Mr. Blythe – So what might you bring in four or more dogs plus your own four that you have at any given time?

Ms. Hamilton –So I guess I have a question, I'm not allowed to have visitors with dogs?

Mr. Blythe – That's what we're trying to find out. How many dogs at any one time are at your residence?

Ms. Hamilton – It's for harboring not for four dogs at my residence. It's how many dogs are living and staying here over night for a duration of a period of time.

Ms. Paddick – That's four dogs.

Ms. Hamilton – Yes, my four dogs.

Mr. Blythe – So when you train them how long do you train for? One hour two hours, time of day?

Ms. Hamilton- Sessions are one hour long. If I do a group class say seven to eight p.m. then they go home.

Mr. Cortese – This is neither here nor there with this application but, .I suggest Kelsey if you are running a dog training business out of your home to any degree you may need to attain a special permit for a home occupation as well. We are not here to discuss that tonight. I don't know to what degree or how often you do the training you do out of your house but, you can't run a commercial business out of a residential home unless it is permitted by the town.

Ms. Hamilton –Ok good it does not happen often for it to be an issue.

Mr. Cortese- Like I said it neither here nor there for this application, just wanted to make you aware.

Ms. Paddick – Do we do the Short EAF Part II after the public hearing is closed?

Mr. Cortese Part I is largely incomplete if you look at it. We will work with the applicant to fill in the blanks and complete it together. No worries we will go through it now. Questions . 1-4 is fine, we'll begin with question 5.

Question 5 Is the proposed action,

- a. A permitted use under the zoning regulations? – Yes
- b. Consistent with the adopted comprehensive plan? -Yes

Question 6 Is the proposed action consistent with the predominant character of the existing built or natural landscape? -Yes

Question 7 Is the site of the proposed action located in, or does it adjoin a state listed Critical Environmental Area? -No

Question 9 Does the proposed action meet or exceed the state energy code requirements? Yes

Question 10 Will the proposed action connect to an existing public/private water supply ? No

Question 11 Will the proposed action connect to existing wastewater utilities? No

Question 12 a Does the project contain or is it substantially contiguous to a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the State Register of Historic Places? No

Question 12 b Is the project site or any portion of it located in an adjacent to an area designated as sensitive for archaeological site on the NY State Historic Preservation Office (SHIPO) archeological site inventory? No

Question 13 a Does the portion of the site of the proposed action or lands adjoining the proposed action contain wetlands or other waterbodies regulated by a federal, state or local agency? No

Question 13 b Would the proposed action physically alter or encroach into any existing wetlands or waterbody? No

Question 15 Does the site proposed action contain any species of animal or associated habitats, listed by the State or Federal government as threatened or endangered? No

Question 16 Does the project site located in the 100-year flood plan? No

Question 17 Will the proposed action create stormwater discharge either from point or non-point sources? No

Question 17 a Will storm water flow to adjacent properties? No

Question 17 b will storm water discharges be directed to established conveyance systems (runoff and storm drains? No

Question 18 Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (l.g. retention ponds, waste lagoons dam)? No

Question 19 Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? No

Question 20 Has the site of the proposed action or an adjoining property been subject of remediation (ongoing or completed) for hazardous waste? No

Mr. Cortese Usually this is done ahead of time.

Ms. Hamilton- When I dropped off the application the lady said to leave it blank not to worry about it. A lot of it doesn't apply.

Mr. Cortese – Everything needs to be filled in not your fault, with that being completed we can proceed with part II. We will finish Part II you know the drill I'll ask the questions you answer yes or no. Yes, being moderate to large, no meaning small to no impact. So, I will go through the questions.

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? Boards response- No.
2. Will the proposed action result in a change in the use or intensity of use of land? Boards response – No.

3. Will the proposed action impair the character or quality of the existing community?
Boards responses- No.
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)? Boards responses- No.
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkways? Boards responses- No.
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities? Boards responses- No.
7. Will the proposed action impact existing:
 - a. Public/private water supplies? Boards response- No.
 - b. Public/private wastewater treatment utilities? Boards responses- No.
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? Boards responses- No.
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna? Boards response- No.
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems? Boards responses- No.
11. Will the proposed action create a hazard to environmental resources or human health?
Boards responses- No.

Ok that is all of the questions; you have answered them all no. So, my presumption would be you will be making a “Negative Declaration” for this Unlisted Action. If that is true I just need a motion and a second to make that “Negative Declaration” for this Unlisted Action as defined under SEQR.

Mr. Blythe - I make a motion to adopt a “Negative Declaration”, seconded by Mr. Donnelly.

Ms. Paddick – Any discussion, can we have a vote.

Roll Call: Ayes - 4

Nays- 0

Absent –1 (Boland)

Recused- 1–(Mr. Szenher)

Mr. Cortese – I’m going to read the resolution Before we get to that I’m not sure if anyone notice the suggested additional condition dogs being a nuisance the permit would be null and void.

Mr. Blythe – I’m good with that

Ms. Paddick and Mr. Worden both agreed with it.

Mr. Cortese- Not just for you but the property may not be a conscious dog owner. No more than four dogs on the property, makes sense to you?

Ms. Hamilton – Yes

Mr. Cortese - Any court issues or judgement list the ways a dog can be a nuisance. For any reason the number of dogs is less than four dogs over a one- year period the permit goes away.

The first year no complaints that condition goes away.

So, I'll read the final resolution:

TOWN OF CHENANGO PLANNING BOARD

A RESOLUTION CONCERNING SPECIAL PERMIT APPLICATION 2021-PB01

At a regular meeting of the Planning Board of the Town of Chenango, held on March 8, 2021 via Zoom virtual meeting software in accordance with the Governor's Executive Orders 202.1, 202.10 and 202.15, as extended by Executive Order 202.95, the following resolution was offered and seconded:

WHEREAS, on January 11, 2021, Kelsey Hamilton (hereinafter "Applicant") duly filed an application for a special permit pursuant to Section 32-13 of the Town of Chenango Code to harbor more than three dogs on property she owns within the Town, located at 1321 River Road and designated as Tax Map No. 079.18-1-1; and

WHEREAS, said application was duly referred to the Broome County Department of Planning and Economic Development, which reviewed Applicant's application and determined that there would be no significant countywide or inter-community impacts associated with its approval; and

WHEREAS, pursuant to Part 617 of the implementing regulations of the State Environmental Quality Review Act ("SEQRA"), the Planning Board determined on March 8, 2021 that the Applicant's application constitutes an Unlisted Action as defined under said SEQRA regulations and, upon careful consideration of the possible environmental impacts of granting said special permit, determined that the approval thereof will not have a significant adverse impact on the environment and issued a negative declaration for the purposes of SEQRA; and

WHEREAS, after due notice by publication in the official newspaper of the Town of Chenango, the Planning Board held a public hearing to consider said application on March 8, 2021, at which hearing all persons desiring to be heard in regard to said application were so heard; and

WHEREAS, upon review of the Applicant's application and the entire administrative record associated therewith, the Planning Board has found and determined that Applicant's proposed special use will not, in the circumstances of the particular case, be injurious to the neighborhood or otherwise

detrimental to the public welfare, and complies with the relevant special permit standards under Sections 15-4 and 32-13 of the Chenango Town Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Chenango hereby approves the Applicant's application 2021-PB01 for a special permit to harbor more than three (3) dogs at 1321 River Road in the Town of Chenango, Tax Map No. 079.18-1-1, subject to the following condition(s):

1. No more than four (4) dogs shall be harbored on the property at the same time.
2. If any formal complaints regarding the dogs harbored on the property are received by the Town within one year from the date of issuance of this special permit, the property owner shall return to the Planning Board for further review and discussion regarding same.
3. If a court of competent jurisdiction should issue a judgment, order or other final ruling that dogs are being harbored on the property in violation of Article II of Chapter 32 of the Chenango Town Code, as may be amended from time-to-time, this special permit shall become null and void.
4. If the number of dogs harbored on the property is reduced to three (3) or fewer for a period of 365 consecutive days, this special permit shall expire.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

I, Cynthia Paddick, do hereby certify that I am the Chair of the Town of Chenango Planning Board and that the foregoing constitutes a true, correct and complete copy of a resolution duly adopted by the Planning Board of the Town of Chenango at a meeting thereof held on March 8, 2021 via Zoom virtual meeting software, as authorized by and in accordance with the Governor's Executive Orders. Said resolution was adopted by the following roll call vote:

Alan Blythe	voted: <u>aye</u>
Brian Donnelly	voted: <u>aye</u>
Jamie Szenher	voted: <u>recused</u>
Kevin Worden	voted: <u>aye</u>
Michael Boland, Alternate	voted: <u>absent</u>
Cynthia Paddick, Chair	voted: <u>aye</u>

Dated: March 8, 2021

ADVISORY OPINION/REFERAL

- **2021-V02- Dane O'Neil-** 21 Cherry Ln.-TM#112.06-1-5- Application for an area variance to construct a front porch with less than required front yard setback from 30' to 23' in a residential zone & Short EAF.

Mr. Urda – The referenced application is to construct a front porch with less than required front yard setback from 30' to 23' in residential zone.

Discussion: The application package included:	Dated:	Rcvd.:
Planning Board Application with Permissions	02/05/21	02/05/21
Applicant letter signed by owner ---	02/05/21	
Architectural Sketches ---	02/05/21	
Short EAF	02/05/21	02/05/21

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 objections to this variance request, only a building permit being required prior to any construction.

Ms. Paddick – IS the applicant here?

Ms. Aurelio- No.

Ms. Paddick are there any questions concerning this application.

Mr. Blythe – No it is pretty straight forward.

Ms. Paddick- Can I have a motion regarding this application.

Mr. Blythe made a motion seconded by Mr. Worden to forward a favorable advisory to the Zoning Board of Appeals.

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

There being no further business before the board a motion was made by Mr. Worden, seconded by Mr. Donnelly to adjourn, sand unanimously carried to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary

There were 17 participants including the board members that attended this Zoom meeting.