

**PLANNING BOARD
REGULAR ZOOM MEETING
MONDAY, MARCH 14, 2022
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the February 14, 2022 Regular Planning Board Zoom Meeting

PRESENT: Brian Donnelly, Planning Board Vice Chair
Messer: Worden, Szenher, Eldridge & Boland

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

Brian Donnelly: I would like a roll call of the members in attendance.

Michael Boland: aye
Thomas Eldridge: aye
James. Szenher: aye
Kevin Worden: aye
Brian Donnelly aye

Roll Call: Ayes –5 Nays – 0 Absent - 0

Brian Donnelly: Next on the agenda to approval of the minutes from February 14, 2022 Planning Board Zoom meeting.

Kevin Worden: Motion to approve the February 14, 2022 Planning Board minutes.

Thomas Eldridge: Second

Brian Donnelly: Motion and second to approve the minutes from February 14, 2022, can we have a roll call:

Michael Boland: aye
Thomas Eldridge: aye
James. Szenher: aye
Kevin Worden: aye
Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Ayes – 5 Nays -0 Absent - 0

NEW BUSINESS

- NONE

ADVISORY OPINIONS/REFERRALS

- 2022-V01 – John Jonassen – 36 Stacy Dr. – TM#111.05-1-30- Application for an area to construct a pole barn exceeding the maximum size from 1500' to 2240' in an Agricultural Zone & Short EAF.

NOT A DOUBLE AREA VARIANCE

Alex Urda: The referenced application is for a double area variance to construct a pole barn exceeding the maximum size from 1500 S.F. to 2240 S.F. in an Agricultural Zone.

the application package included:

	Dated:	Rcvd.:
• Zoning Board of Appeals Application with Permissions	02/10/22	02/10/22
• Letter of Intent ---	02/10/22	
• Building drawings	12/20/21	02/10/22
• Broome County Parcel Mapper w/ barn location ---	02/10/22	
• Short Environmental Assessment Form	02/10/22	02/10/22
• Neighbor Letter Steven w. Cobb – no concerns.	02/02/22	02/10/22

239 Review is not required.

We have no engineering objections to the variance request.

Gavin Stiles: The Ordinance Office has no issues with this variance just a building permit being required.

Brian Donnelly: Is the applicant here? No does the board have any questions? I don't have a problem with the location or questions? There are none that I'm aware of. I don't see any real problem where it is located and sending a positive advisory. Would anyone like to make a motion?

Jamie Szenher: I make a motion to forward a favorable advisory to the Zoning Board of Appeals.

Michael Boland: Second.

Brian Donnelly: Motion and second to forward a favorable advisory to the Zoning Board of Appeals.

Michael Boland: aye

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly aye

The motion was thereupon declared adopted by roll call of

Ayes – 5

Nays -0

Absent - 0

Brian Donnelly: So, that will go to the Zoning Board of Appeals with a favorable advisory from this Board.

Nicholas Cortese: Gavin am I looking at it correctly the garage is behind the principal structure correct?

Gavin Stiles: Yes.

Nicholas Cortese: So, it is just for the size.

Gavin Stiles: Yes.

Nicholas Cortese: There are two local law amendments to the Town Zoning Code. I just got this today. It is up to the Chair to decide whether or not we act upon this tonight or next month. Section 73-44 and 73-50. Diane what zoning classification are they so everyone is aware.

Diane Aurelio: 73-44 is for Residential Zone 73-50 is for Planned Development District Commercial Zone.

Brian Donnelly: I did not receive anything in my email. I did not get any emails on my email account.

Diane Aurelio: It came from Lizanne in the clerk's office. I apologize if you didn't get it.

Nicholas Cortese: That came through by email at 10:30 a.m. today. I can bring it up on the screen to show you the contents so everyone can see the text of the local law. For some reason Brian you were not included on this email from the clerk's office. It went to the Zoning Board and Planning Board members, but somehow your name got dropped. Sorry about that Brian. Do you still wish to proceed or wait until next month? It is going over amending the square footage and accessory behind the principal structures. Also amending the Pdd-c to allow church as a permitted use and something about adult entertainment and quarry, sand gravel pit not sure about that but we can get into later on.

Brian Donnelly: That's ok, I'm fine with it if no one else has any issues moving forward.

Nicholas Cortese: This is the resolution introducing the local law

**- Local Law No. 2- Amending Section 73-44 of the Town Code Entitled Zoning
Be it enacted by the Town Board of the Town of Chenango as follows:**

Section 1. Section 73-44 Permitted Uses Accessory amend as follows: One detached garage (not to exceed 1,500.00 square feet or one carport (not to exceed 200 square feet) to accommodate vehicles.

Section 2. Section 73-44- Yards Accessory Use front yard shall be amended "Behind the principal use"

Section 3. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Effective Date

This local law shall take effect immediately upon filing with New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Nicholas Cortese: This is for residential zoning, to correct some issues in the past about the residential and agricultural not having the same requirements for accessory buildings being located behind the principal structure. Time has gone on to add this to residential district. So, they decided to change the language in the Residential Zoning to match what currently Agricultural Zoning states. This will alleviate that problem. So we are reviewing it to send comments or recommendations to the Town Board prior to their public hearing on April 20, 2022.

Gavin Stiles: It was the Ordinance Office intention to bring those two zones together. So, there is not any wiggle room. Nick do you concur?

Nicholas Cortese: Yes. We have been discussing this as time goes on. Aleta brought it up and discussed it with Gavin on how there is an issue with the drafting that the zoning code disallowed garages being located in front of the house in an agricultural district, but somehow it was allowed in a residential district. It appears the Board has decided to do is to correct this so, detached garages to be located behind the principal use as currently appears in the agricultural zone. By doing so it will keep Residential Zone in line with the Agricultural Zone to disallowed garages being located in front of the house in an agricultural district, but somehow it was allowed in a residential district. This amendment will correct that. I think I'm right about that.

Thomas Eldridge: Carports are usually along the side of the house and attached. What if it's not along the side and is detached freestanding would this rule still apply?

Nicholas Cortese: That is a good point that he made. If the carport is attached it becomes part of the principal structure and is no longer considered an accessory structure.

Thomas Eldridge: I recommend they clarify the carport to be detached.

Nicholas Cortese: Yes, that is an appropriate recommendation, but it's up to the rest of the Board.

Brian Donnelly: I also concur with the detached carport.

Michael Boland: As long as it doesn't get in front of the house, behind the principal use. Your right it should be detached.

Gavin Stiles: That way both zoning districts will be held to the same set of rules to come into a line.

Nicholas Cortese: This was a way to fix the residential regulations the match the Agricultural Zone.

Gavin Stiles: We would have two zones the same this no wiggle room. Nick do you agree?

Brian Donnelly: So, one detached garage and one detached carport.

Nicholas Cortese: Good that could be part of your recommendation it is unusual how it is worded. I agree clarify the appropriate recommendation. I can assist with change in verbiage for the motion something like: The Planning Board for Section 73-44 of the Town Code Entitled Zoning forwards approval conditional upon amendment of Section 1 of this Local Law No. 2 to read one detached garage(not to exceed 1,500 square feet) or one detached carport (not to exceed 200 square feet) to accommodate vehicles. Is everyone good with that? Yes.

Thomas Eldridge: Motion to forward the following advisory to the Town Board stating to make the change in wording to: Section 73-44 of the Town Code Entitled Zoning forwards approval conditional upon amendment of Section 1 of this Local Law No. 2 to read one detached garage(not to exceed 1,500 square feet) or one detached carport (not to exceed 200 square feet) to accommodate vehicle.

Kevin Worden: Seconded.

Brian Donnelly: Motion and second to forward the Town Board approval conditional upon amendment of Section 1 of this Local Law No. 2 2 to read one detached garage(not to exceed 1,500 square feet) or one detached carport (not to exceed 200 square feet) to accommodate vehicle.

Michael Boland: aye

Thomas Eldridge: aye

James. Szenher: aye

Kevin Worden: aye

Brian Donnelly: aye

The motion was thereupon declared adopted by roll call of

Ayes — 5

Nays -0

Absent - 0

Nicholas Cortese: Next is an amendment to the Pdd-C zone to add additional permitted use church by right to the Pdd-c Zone and uses by special permit (Article IV § 73-50)

- **Local Law No. 3- Amending Section 73-50 of the Town Code Entitled Zoning.**

Section 1. Section 73-50 Permitted Uses - principal shall be amended as follows:

14. Church

15. Uses by special permit (article IV, § 73-12)

a. Adult entertainment businesses.

b. Quarry, sandpit, gravel pit and topsoil stripping

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 3. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect immediately upon filing with New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Nicholas Cortese: Not sure what trigger this amendment to add church as a permitted use. The uses by special permit not sure why that is included.

Mr. Urda: By inserting the church as an allowable use they had to renumber the permitted uses by doing so it changed the numbering for permitted by special permit.

Thomas Eldridge: Motion for the Planning Board forwards a favorable advisory to the Town Board for Local Law No. 3 Amending Section 73-50 of the Town Code Entitled Zoning to allow church as a permitted use.

Kevin Worden : Seconded

Brian Donnelly: We have a motion and second to forward the Town Board a favorable advisory for Local Law No 3 Amending Section 73-50 of the Town Code Entitled Zoning to allow church as a permitted use.

Michael Boland: aye
Thomas Eldridge: aye
James. Szenher: aye
Kevin Worden: aye
Brian Donnelly aye

The motion was thereupon declared adopted by roll call of
Ayes – 5 Nays -0 Absent - 0

The Planning Board forwards a favorable advisory to the Town Board for Local Law No. 3 Amending Section 73-44 of the Town Code Entitled Zoning. to allow church as a permitted use. and renumbering the Uses by special permit (Article IV§ 73-12)

There being no further business before the Board the unanimously agreed to adjourn the meeting at 7:25 p.m.

There were 10 participants that attended the Zoom meeting.

Respectfully submitted,



Diane Aurelio
Ordinance Secretary