

PLANNING BOARD
REGULAR **TUESDAY** NOVEMBER 12, 2024
7:00 P.M. – TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NEW YORK 13901

Approval of October 15, 2024, Regular Planning Board meeting minutes

Present: Brian Donnelly, Chairperson
Thomas Eldridge, Vice Chairperson
Jamie Szenher, Board Member
Maura Cooley, Board Member
Deborah Mastronardi, Board Member

Also Present: Ryan Ballard, filling in for Alex Urda
Gavin Stiles, Code Officer
Nathan VanWhy, Planning/ Zoning Attorney
Michael Boland, Alternate Board Member

Brian Donnelly: Good evening. I will call the regular Planning Board meeting for November 12, 2024. First off can we have a call for the attendance.

Diane Aurelio: Ms. Mastronardi: present Ms. Cooley, present, Mr. Szenher: present, Mr. Eldridge: present, Mr. Donnelly: present.

Brian Donnelly: Ok we have a quorum. Next is the approval of October 15, 2024, Planning Board minutes from our regular meeting. Are there any comments or corrections? If not, I can have a motion and a second.

Thomas Eldridge: I'll make the motion to approve October 15, 2024, minutes.

Jamie Szenher: Second.

Brian Donnelly: Have a motion and a second can we have a roll call. Can we have a vote.

Diane Aurelio: Miss. Mastronardi, Board Member Voted: Aye
Ms. Cooley, Board Member Voted: Aye
Mr. Szenher, Board Member Voted: Aye
Mr. Eldridge, Vice Chairperson Voted: Aye
Mr. Donnelly, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of 5 to 0.

Brian Donnelly: We have a new business for:

- 2024-PB17 – Wendy Tennant – 936 River Rd. – TM#112.12-3-7- Application for a special use permit to allow 9 chickens, 1 rooster and 1 turkey in a residential zone and short EAF.

Ryan Ballard standing in for Alex Urda:

This is a review for the referenced application for a special permit to allow 9 chickens, 1 rooster, and 1 turkey in a Residential Zone. She intends to re-home the rooster and to keep the others.

Discussion:

The application package included: Dated: Revd..:

- Planning Board Application w/ permissions 10/08/24 10/08/24
- Acting Commissioner Letter 10/15/24 10/15/24
- Letter of Intent 10/08/24 10/08/24
- Picture of House --- 10/08/24
- Short EAF 10/08/24 10/08/24

We offer the following comments:

1. The property is in the name of Sue and Lawton Sauls (per BCGIS tax data), however the applicant has indicated to the Code Office that she is the Executor – Confirm This?
2. SEQR – Defer to legal counsel
3. Project is subject to 239 review within 500 feet of a State/County Road (River Road). 239 Review letter noted that the EAF should include the project location and description.
4. There is a November 4, 2024, letter from John Connelly disagreeing with allowing the applicant to have these chickens, rooster, and turkey.

We have no engineering objections.

Brian Donnelly: Gavin, do you have any comments?

Gavin Stiles: I concur with Mr. Urda's letter.

Brian Donnelly: Is the applicant here? And do you have anything additional you would like to add to your application.

Wendy Tennant: Yes. Did we mention rabbits before Mr. Stiles. We have three rabbits two females that are fixed They belong to Page's kids. The kids are there during the weekends. My grandchildren are there every weekend. There are rabbits are my sisters' she did not have room for them. So, they are in my garage in the winter. My sister lives on Elizabeth Street, the property comes this way so they cut through that. Sha has a big fenced in back yard too. So, some of these animals go back and forth and they are always there. Some animals we have taken in. We have a couple of cats and a couple of dogs that were

rescued. Usually if we see something we bring it home. Ricky Rooster is exceptionally beautiful. I wanted to ring his neck a few times.

We tried to rehome him but got returned. He has run away. In fact, the day I was here he busted out of his cage. Somehow, he got out and ran. He does get out periodically and can be a nuisance Ricky's been in the garage most of the time we have let him out and we tried to keep him from crowing. We tried collars and nothing worked. Currently we are trying to rehome him again.

Brian Donnelly: Ok I'll open the public hearing at this point. Basic rules anyone that wishes to be heard just raise your hand, state your name and address for the record. You will have three minutes to speak. Then we will move on to other speakers.

Scott Iglar: Thank you for listening to our considerations. I live at 2 Montague Street; our property abuts Sauls property about one hundred feet away from her property, it runs perpendicular to River Road. So, we have a lot of exposure. We are coming up to our fifty-anniversary living at this property. We never had this kind of challenge. Living next to someone that has a different view of what a residential property should look like. I can fully appreciate that they like to provide their grandchildren with something like 4 H experience. I think the rooster crowing is not a residential feeling for the property. I understand and appreciate introducing the chickens and the other animals to the grandkids, it is a nice idea. We have their chickens on our property rooming around, but we have not seen them in a couple weeks.

Anonymous female: How many turkeys and ducks do you have.

Wendy Tennant: There are a few ducks we just have one turkey.

Anonymous female: I saw two on Sunday.

Wendy Tennant: I am not disputing that, I'm saying we just have one turkey, the other two are leaving. We have taken other people's pets at times and rehome them.

Penny Connelly: We moved to River Road in 1973, way back then it was almost like the double wide part of the road was very residential. When you got to the narrowing of the road they had horses, one family had a cow and so forth. Mr. Burkeman did a lot of farming. But up until then it was

residential families. We were not awoken at 4o'clock in the morning. If I had children now and they were waking up at 4 o'clock in the morning because of animals crowing and so forth that is not residential living. I think this needs to be looked into. You have families with children of all ages. We are retired so we can sleep through anything and do. These are not residential animals, your dogs, cats, indoor birds, which is one thing. These are farm animals, plain and simple. That is where they belong. I am all honesty fair to the animals. Chickens, turkeys my son owns a farm in Kansas they have all kinds of animals out there. And they have a lot of land and freedom. They can go wherever they want. These animals cannot, is that being fair to them Let alone the humans that are being bothered.

Wendy Tennant: We have an acre of property, and they are not caged. You buy chicken at the grocery store; they are caged birds. When our elders passed on so we were there all along. Patrick grew up in that house, those were his grandparents.

Brian Donnelly: Does anyone else have something to say?

Lori Hahl: I live directly across the road at 37. The rooster is loud. We hear it all day long. My biggest concern is that we never had foxes in our backyard before. A red fox running through our yard, we have a small dog. I'm afraid to let the dog out. I really believe the fox came to our area because of the chickens. Because they are a natural predator for chickens, and they know that they are there. That is my biggest concern. The predators are coming because of the animals in the area.

Paul Marino: Live at 7 Banford by side yard backs up to Scott's My back yard is kitty corner to the Tennant's. We have been there over thirty years The last year or year in a half I had to erect a eight-thousand dollar fence to keep their dog out of our yard. I had chickens in my front yard. The rooster, the other comments speak for themselves. I am still working and not retired, and four a.m. is not acceptable. Like she said those are farm animals. When I was a kid, I went to a farm, we did not have it in the back yard. They do not belong in a residential area. It is called a residential area for a reason. My concern if we address this now what is going to happen to the next person. What do you have in the books

that says a rooster does not belong in a residential area. It is l
ridiculous it shouldn't even be considered.

Gavin Stiles: The Town of Chenango Code Chapter 32 –11 an animal is defined as horses, mules, donkeys, goats, fowl of all kinds, swine, cattle, reptiles, snakes and insects. There is a definition of a nuisance any condition which would reasonably be expected to be offensive or objectionable to people on or using nearby properties or on the public right-of way and any condition generally within the common law definition of a “nuisance”, public or private. Without limiting the foregoing in any way, the term “nuisance” shall be deemed to include any condition resulting in any one or more of the following Section D. Loud and obnoxious noises coming from any animals covered by this article, including but not limited to braying, whinnying, squealing and / or any other type noises expected of such animals that would be disrupt the peace and quiet of the surrounding neighborhood.

Under Section 32-13 General Standards says No animals as defined by this article shall be harbored or maintained without a special permit, she is here to get that permit. Foul of all kinds are defined as an animal.

Paul Marino: How long ago was that written?

Gavin Stiles: 1977.

Paul Marino: How many chickens are she allowed?

Nate VanWhy: As many as the special use permit allows.

Anonymous female: That also used to be a country club manor I do not know how they did that. The house was there for many years.

Katie Batty: I have no interest in this at all. This resident is asking for a special permit to keep these animals that she already has, and that is the question right now.

Brian Donnelly: She is here for a special permit to keep the animals she already has.

Wendy Tennant: Excluding roosters.

Katie Batty: I think it is wild, that is even a consideration I just because they have been here for fifty plus years. They did not choose to live on a farm or next to a farm.

Scott Ingler: Live at 2 Montague, there is some concerns about property values moving in this direction the house next door is going to be putting his house on the market sometime fairly soon. I am wondering if someone visiting or potential buyer that could be next door. Will this affect the sale of the property. That is not my concern. But talking about property values could be affected.

Robert Coughlin: Did you reference any emails?

Brian Donnelly: I did not receive any emails.

Penny Connelly: My husband wrote because he was unable to attend tonight's meeting. And he wrote a letter.

Brian Donnelly: I mentioned that.

Penny Connelly: It was mentioned but not read or publicized during the meeting.

Brian Donnelly: At the end of the comment period, we will read that into the minutes. There was also one that came in this morning. So, we will cover those later. Anyone else.

Anonymous male: How much time do they have to get rid of the animals.

Brian Donnelly: That depends on if she gets the special permit or not if that was the case.

Robert Coughlin: I live at 64 Overbrook Drive, does the special permit have a time limit to it, or can you rescind it? If there were multiple complaints, is it rescinded then?

Brian Donnelly: Normally the special permit is in effect until they get rid of the animals, or they sell the property. If there were multiple complaints, then it would be up to the board.

Nate VanWhy: Not so much the complaints but a condition of the special permit that the Planning Board could if there are convictions, violations of the conditions one or more that put as a condition that would be grounds for revoking the special use permit. But there would have to be a conviction from the town court and the code officer observed the violation and went to court, and the court agrees there has been a violation.

Diane Iglar: How do the visiting animals fall into this special use permit. She says there is one turkey. I know I saw two on Sunday.

Nate VanWhy: We would put conditions on the special permit, explaining she is allowed to have so many not to exceed that would be the restrictions.

Diane Iglar: So, she can't have two then.

Nate VanWhy: If that is what is decided yes.

Mr. Iglar: It sounds like the onus is on the neighbors to monitor this being the bad guys. It would be up to us to identify there are not three turkeys this weekend. I am not happy with that to be quite honest.

Wendy Tennant: Are you allowed birds and goats? They make less noise. It seems to me the biggest problem is Ricky the Rooster. I have been through this before.

Diane Iglar: I have chickens in my yard, and I have a vegetable garden. I did not catch anything, but something is eating my Swiss chard.

Wendy Tenant: Sorry but Patrick is fixed so they have not been out again.

Diane Iglar: I think our point is they have been in our yard and have eaten things.

Wendy Tenant: What else do they eat besides ticks and bugs? I am sorry I did not know they did that.

Nate VanWhy: Your question about monitoring and enforcement is always the most difficult thing for code enforcement and monitoring violations Often time the way enforcement works Gavin is issuing building permits inspections, fire inspections. It is not that reasonable to expect him to be troll in the entirety of the town issuing code violations. Often, he relies on people like yourselves to call him and say we have seen an issue please come out and observe it Then issue a notice of violation as a result. Gavin is aware of a particular property being an issue to try to be available to go there more frequently. Certainly, hearing your concerns if the Planning Board does issue a special permit for this. Gavin will enforce it how he needs to. Make sense he goes and visits regularly Unfortunately there are not enough people in the town to actively monitor the town for every situation that might come up. I understand how frustrating that can be to encourage Gavin to try to use his resources appropriately.

Anonymous male: Do we have the power to refuse to have him on our property.

Nate VanWhy: Of course.

Anonymous male: So, if he shows up to enforce the code and got the door slammed in his face what then.

Nate VanWhy: What you can do as a neighbor is to let him on to your property and he can observe the backyard from your property.

Diane Iglar: We pay a lot of taxes to have things provided for us. We should not have to do this ourselves.

Nate VanWhy: I understand that it is just there are limited resources at the town. If there is an active issue that people are continually complaining about Gavin will likely devote more attention to it.

Mr. Iglar: You should have someone check every other day or have a tighter code. That would prevent the problem in the first place.

Nate VanWhy: That is what the Planning Board duty is to do. Now you folks decide whether to issue the special use permit is appropriate in this instance. If so, are there any conditions to constrain the animals in this case? That is up to the Planning Board. After the public hearing is concluded they will discuss all of this among themselves, and you all get to watch them deliberate and decide. You can watch it right now live.

Ms. Connelly: Are you going to read those letters?

Brian Donnelly: Yes.

Mr. Iglar: Thank you for taking this seriously.

Brian Donnelly: Does anyone else have a comment if not I will close the public hearing and move onto the correspondence. I will read these. I have two correspondences.

Email: From Janine Tarreto: Good morning, Diane: I live at 932 River Road. My grandkids and I enjoy observing and visiting the fowl at 936 River Road. The owners are receptive to that in a friendly manner. With that said, the rooster does sound throughout the day. It does not upset me, I'm a bird lover. But I do understand the concerns of my neighbors. Maybe a rooster should be on a country farm.

Letter/email

From John Connelly: Re: Application of resident (Wendy Tennant) at 936 River Road in the Town of Chenango, Tax Map#112.12-3+-7 for a special permit to allow a rooster, chickens, and a turkey in a Residential Zoning District.

The environmental significance is substantial and annoying noise that we hear from the rooster presently at the above address. I STRONGLY disagree with this resident having a rooster on his property because of the NOISE we hear from their rooster when we sit on our front porch or when we have our windows open on good weather days. Additionally, chickens and turkeys are also farm animals and should not be allowed in a residential area because of possible health related reasons.

I also wish to remind the Planning Board that this property owner should finish the siding on the front of his garage because it is simply unsightly and detracts from the appearance of the homes in the area.

I really wish I could attend the public hearing on the above, but I am unable to do so because of health reasons.

Deb Mastronardi: I have a question, what type of fencing do you have?

Wendy Tennant: There are a couple types throughout the years. They put up different sections or used someone else fencing.

Deb Mastronardi: Is it solid fencing or open where everybody can see through it?

Wendy Tennant: It can be seen through it is not a stockade fence.

Brian Donnelly: I think the question is consistent throughout the backyard. So, the chickens cannot get through the fence or off your property?

Wendy Tennant: Not now they cannot, and neither can Buddy. He was a problem with my son's dog. The neighbor that put up their stockade fence up wrong side out towards the neighbor's property. He used to play with the other dogs, he is a giant puppy. He is a Stafford shire terrier. He was kind of a rescue. I took him from someone that was going to take him to the kennel when he was about a year old. Because he did not have time for it. We did not want him to go to the dog pound, so we took him in. He is a very nice dog, it is just that he is big and looks scary to some people, I guess. He is not scary at all. He gets along with the other dogs.

Brian Donnelly: We are not questioning the dogs.

Wendy Tennant: He has a tether. He stays in the yard most of the time. He does have a run.

Brian Donnelly: The special permit does not include the dog. Stick with the chickens.

Wendy Tennant: They do not bother the chickens.

Thomas Eldridge: Just for the record here how many chickens are there on the property currently?

Wendy Tennant: We had nine and we lost one.

Thomas Eldridge: Right now, there are eight chickens. One rooster, how many ducks? Total number on the property right now.

Wendy Tennant: I don't know I only know about Ricky.

Thomas Eldridge: Ducks.

Wendy Tennant: There not mine at all.

Thoams Eldridge: How many chickens on that half acre property.

Wendy Tennant: It is an acre.

Thomas Eldridge: No, it's a half-acre, so how many chickens are on the property.

Wendy Tennant: Nine chickens.

Thomas Eldridge: How many ducks

Wendy Tennant: Two big white ones and I think they had babies. Probably six ducks but they are not staying.

Thomas Eldridge: How many turkeys:

Wendy Tennant: There are three turkeys, one stays.

Thomas Eldridge: Any other birds I did not cover?

Wendy Tennant: No.

Brian Donnelly: There are three turkeys and only one is staying. The other two are somebody else's and will be returned to them.

Thomas Eldridge: How many dogs do you have on the property? That are on the property right now.

Wendy Tennant: Right now tonight there are five dogs. Registered in the Town of Vestal. One belongs to my sister, the other to my daughter, they don't stay. They are not there all the time.

Thomas Eldridge: Just on the weekends overnight?

Wendy Tennant: Yes, over the weekend and some nights during the week. My son's dog Buddy and there is two puppies that belong to my daughter brings her dog . But she is not there right now.

Thomas Eldridge: You said rabbits.

Wendy Tennant: There are three rabbits that belongs to Kate's kids. Three females two are fixed.

Thomas Eldridge: Any other animals, goats' cats. How many cats?

Wendy Tennant: That live there four cats. Right now, there are five. One never goes out of the house.

Thomas Eldridge: That covers all the animals that are there.

Wendy Tennant: Yes, that is it.

Thomas Eldridge: All these animals are contained in this quarter acre fenced back yard.

Wendy Tennant: No, the cats use litter boxes. My sister's dog is there she walks King Charles out front. He does not use the back yard. Chickens have a hay area. My son cleans it up and puts it in a barrel. We call it the chicken house; it has a heat lamp.

Thomas Eldridge: What does the code say you allowed three dogs to have three licensed dogs. Any horses, cattle sheep

Gavin Stiles: Animal harboring the keeping of more than three licensed dogs: three rabbits: four or more cats: any horses, cattle sheep, goats, or other fur-bearing animals: or animals customarily kept in zoos: or the keeping of any animals for sale or hire. Under the definition of animal harboring.

Thomas Eldridge: How does that work if she has three dogs, two are registered in the Town of Vestal and two others that are frequent stayers.

James Szenher: They are licensed in another town.

Nate VanWhy: Where does the dog regularly stay? If they were there for more than a week, I would question whether the dog is now being harbored here in the town and should actually be licensed here in the Town of Chenango.

Jamie Szenher: Who provides food, sustenance and vet care that is the question. But dogs are not part of this application.

Thomas Eldridge: I know, I just wanted to cover the dog situation.

Nate VanWhy: You folks will have to do the SEQR Review. I do question the application itself. It mentions nine chickens one turkey and one rooster, she did not identify any other animals. She said three rabbits, and she is allowed to have three rabbits without a special permit. So, it is just the nine chickens' turkey and the one rooster.

Gavin Stiles: Six ducks. It says fowl of all kinds does not say how many you can have. We could put some type of stimulation on it.

Brian Donnelly: So, the chickens rooster turkey and the ducks are what we are concerned with. Everything else is ok.

Nate VanWhy: Regular SEQR Review and the regular discussion on the special use permit standards and conditions as part of the environmental analysis you might find something that is moderate to large potential impact. That does not mean that it sinks the whole deal. Then there is a discussion on whether there are conditions on the proposal that you would mitigate the environmental impacts. Everyone should have Part I in your packet of materials that was filled out by the applicant. Did any of you have any questions specifically about what was contained in Part I. If not, we will go to Part II. There are eleven questions. The two responses are none to small impacts, verses moderate to large impact. Try and put some context around that this is a question of environmental significance to the community property or neighbor. Something that would be really annoying to you. Does not mean that it is impactful to the environment broadly. Does not mean the issues should not be addressed.to mitigate the concerns environmentally. From the State quality review prospective. It might not raise to the threshold for true environmental significance. First question:

1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations.

Board: No.

2. Will the proposed action result in a change in the use or intensity of use of land.

Board: No.

3. Will the proposed action impair the character or quality of the existing community.

Board: Yes

Mastronardi & Cooley – That is a pretty big impact There are thirty-five animals there. It will change the character and quality of the existing community.

Nate VanWhy: I certainly understand from a resident perspective this seems impactful. Applicant only needs permission for the chicken's duck's turkey and the rooster. The other animals are apparently allowed in the Town Code and do not require a special permit and are not part of the application right now. Theoretically there might be conditions included in this that could mitigate these things. You are saying this is a moderate to large impact.

Deb Mastronardi: I'd say it would have a large impact.

Thomas Eldridge: isn't there a more inapt thing on SEQR.

Nate VanWhy: Not on the short form. So, none too small or moderate to large impact. Moderate to large doesn't kill the application you have to have a discussion whether or not if there are any conditions that can mitigate the situation.

Thomas Eldridge: It is still fifteen animals on a half-acre I would agree large impact on the community. Diane You are marking the short form, yes, fantastic.

4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?

Board: No. Not one in the Town of Chenango

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 walkway?

Board: No.

6. Will the proposed action cause an increase in the use of energy and fail to incorporate reasonably available energy conservation or renewable energy opportunities?

Board: No.

7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?

Board: No.

8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?

Board: No.

9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?

Board: No.

10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems.

Board: No.

11. Will the proposed action create a hazard to environmental resources or human health.

Board: No.

Deb Mastronardi: I guess I just want to clarify are we putting limits on how many fowl species.

Thomas Eldridge: I think it should be limited to chickens.

Deb Mastronardi: I agree.

Nate VanWhy: How many chickens?

Michael Boland: She got nine and Ricky is gone so eight chickens.

Thomas Eldridge: Eight is enough chickens.

Gavin Stiles: You can set any time limit you want. Code says all uses of the property affected by this article and subsequent to its adoption shall be subject to a special permit in addition to the general standards for the maintenance and harboring of animals as hereinafter set forth. Next section §32-16 Cessation of use: The cessation of the use of any property for a period of one month subsequently to the adoption of

this article shall extinguish any pre-existing use status and be subject to all the provisions required of a new use as set forth hereinabove. So, if they already have before this adoption, and they stop for more than a month it goes away I'm getting ahead of myself.

Nate VanWhy: You could do one month the code does say that. And is kind of a president. I do not know how long it will take to get new chickens. I think they come through the mail.

Gavin Stiles: Jeffrey Bezos will bring you anything.

Nate VanWhy: I would strongly recommend Diane read back to us hopefully what we recommended just the conditions.

Diane Aurelio:

1. Limit of eight chickens only.
1. A six-foot fence around the entire area where the animals are kept.
2. Chickens not to be rooming outside of the fenced area.
3. Feed to be stored undercover in sealed containers.
4. Animal waste removed daily from the premises.
5. Removal of the rooster, turkeys and ducks. Within thirty days.
6. Any violations resulting in conviction the special permit is removed.

Board: discussed tweaking the conditions time limit on the removal of the rooster, turkeys and ducks. To thirty days the violation and the number of violations necessary and the code process.

Nate VanWhy: Based on your answer with one noted moderate to large you need to place ways on how to mitigate the impacts for the Negative Declaration to be adopted. It would be appropriate for one of you to make a Negative Declaration according to SEQR for this Unlisted Action regarding the environmental significance of this project. I will accept that motion should you desire to give it to me.

Maura Cooley: I think we have done this a number of times, and the town code is clear.

Brian Donnelly: So, you are making a motion for a Negative Declaration with the conditions mentioned.

Maura Cooley: I will make a motion for a Negative Declaration with the conditions we discussed.

Deb Mastronardi: Second.

Brian Donnelly: Have a motion and a second can we have a roll call. Can we have a vote.

Diane Aurelio: Do you want these conditions added on the SEQR Form?

Brian Donnelly: Yes, that is what we are discussing now.

Nate VanWhy: After the SEQR action is done then the special use permit can be acted on. Someone can make a motion with the same conditions.

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| Diane Aurelio: | Ms. Mastronardi, Board Member | Voted: Aye |
| | Ms. Cooley, Board Member | Voted: Aye |
| | Mr. Szenher, Board Member | Voted: Aye |
| | Mr. Eldridge, Vice Chairperson | Voted: Aye |
| | Mr. Donnelly, Chairperson | Voted: Aye |

The motion was thereupon declared adopted by a roll call of 5 to 0.

Nate VanWhy: Motion to approve the special use permit with the same conditions would be the next action.

Thomas Eldridge: I am making a motion to approve the special use permit with the same restrictions.

Jamie Szenher: Second.

Brian Donnelly: Can we have a vote.

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| Diane Aurelio: | Ms. Mastronardi, Board Member | Voted: Aye |
| | Ms. Cooley, Board Member | Voted: Aye |
| | Mr. Szenher, Board Member | Voted: Aye |
| | Mr. Eldridge, Vice Chairperson | Voted: Aye |
| | Mr. Donnelly, Chairperson | Voted: Aye |

The motion was thereupon declared adopted by a roll call of 5 to 0.

Brian Donnelly: Just to sum it up we approved the environmental and the special use permit with the conditions we discussed. We also discussed the need to remove the other fowl within thirty days.

Wendy Tennant: Ok, thank you very much. How soon will I get a copy of that.

Diane Aurelio: As soon as I type it up.

Thomas Eldridge: You are aware of the conditions and if they are violated it can be revoked. And get rid of all that.

Wendy Tennant: Yes. Does that keep me from applying for anything else?

Gavin Stiles: No.

Wendy Tennant: May I be excused?

Brian Donnelly: Yes.

ADVISORY OPINION/REFERRALS

Brian Donnelly: Under advisory opinion we have the following double area variance for:

- 2024-V15 – James Weidman – 1320 River Rd. - TM#079.18-1-9- Application for a double area variance to create a buildable lot with less than required acreage from 2 acres to 1.239 acres and road frontage from 240' to 150' in an agricultural zone and short EAF.

Mr. Urda your comments.

Ryan Ballard:

This is a review for the referenced application for a Double Area Variance to create a buildable lot with less than required acreage from 2 acres to 1.239 and less than required road frontage from 240' to 150' in an Agricultural zone.

Discussion: The application package included: Dated: Rcvd.:

- Zoning Board of Appeals Application w/permissions 09/24/24 09/25/24
- Applicant letter of Intent 09/24/24 09/25/24
- Short EAF 09/24/24 09/25/24

1. The parcel is partially within the existing effective 100-year and 500-year flood plains. The 2010 'Preliminary' FIRM has a more aggressive 100-year flood plain area leaving less potentially buildable area. Any future home construction will need to consider this relative to sitting the structure.
2. The parcel area will have private water and private sewer – see notes below.
3. 239 Review required as parcel is within 500 feet of State/County Road (River Road) and a NYS Agricultural District. a. BC Health review of the owner's existing septic system indicates that the owner shall ensure if all components of this system will remain on the owner's parcel, and if not provide an easement (refer to attached septic design as filed with BC health). b. Also, consider this system's location when developing a well for the new parcel. c. The parcel and all adjoining parcels are within a NYS Agricultural District with what appears to be active corn/hay cropping within 500 feet west and south of the proposed parcel. Legal confirmed Agricultural Data Statement is NOT required for area variances.

- 4. SEQR Defer to Legal Counsel review (several questions left blank).
- 5. Multiple similar sized parcels, or smaller, are developed in with residences adjacent to this parcel area.

We have no engineering objections and by reviewing the above information the proposed lot size appears capable of providing area for a potential new residence.

Gavin Stiles: I concur with the engineer.

Brian Donnelly: Is the applicant here, yes. Do you have anything you would like to offer at this time?

James Weidman: No that's it.

Brian Donnelly: Does anyone have questions on the application?

Jamie Szenher: Are you splitting the lot in half?

James Weidman: Not quite.

Jamie Szenher: One lot is going to be smaller? You have forty-two now. What is the new frontage going to be.

James Weidman: One-hundred and fifty feet.

Jamie Szenher: Ok.

Thomas Eldridge: It is zoned Agricultural.

Jamie Szenher: It is also in an Agricultural District.

Brian Donnelly: Nobody has any questions, do we have to do SEQR.

Nate VanWhy: This is just an advisory.

Brian Donnelly: Can we have a motion.

Thomas Eldridge: I make a favorable advisory to the Zoning Board of Appeals.

Deb Mastronardi: Second.

Brian Donnelly: Diane, can we have a vote.

Diane Aurelio: Ms. Mastronardi, Board Member Voted: Aye
 Ms. Cooley, Board Member Voted: Aye
 Mr. Szenher, Board Member Voted: Aye
 Mr. Eldridge, Vice Chairperson Voted: Aye
 Mr. Donnelly, Chairperson Voted: Aye

The motion was thereupon declared adopted by a roll call of 5 to 0.

Brian Donnelly: So, it is going to the Zoning Board with a favorable advisory from the Planning Board. Telling them that it sounds good to us. You will have your public hearing later in the month.

James Weidman: Thank you very much.

DISCUSSION / RECOMMENDATION

Brian Donnelly: We have a discussion on the following: Potential group home in the area. I will turn this over to legal counsel, Nate VanWhy to go over the particulars for this request.

Nate VanWhy: So, October 30th the town received a notice from Springbrook a community residential facility at 4 Fernwood in the Town of Chenango. The Town Board has forty days to respond after receiving this notification to respond in one of the three following ways:

1. Approve the recommended site.
2. Suggest one or more suitable site within the Municipality that would accommodate the IRA facility.
3. Object to the establishment of the facility of the kind described herein because to do so would result in a concentration of community residential facilities in that area that would substantially alter the character and nature of the neighborhood and community.

The Town Board has asked you to give them any information or opinion you might have about this. There is a scheduled public hearing for tomorrow night which gives the residents a great opportunity to voice their concerns. I got a lot of emails today from a lot of residents expressing concerns about traffic, safety for children and pedestrian's potential impacts on the value of their home. Normal types of things from any types of negative input on a project. Did the Planning Board get any emails? I know the Town Board and I did. So, the way for things to ask would be you be aware of any potentially suitable alternate sites within the town that the Town Board could propose to Springbrook that would be useful to them. Having some alternate sites would be suitable. Does anyone have or know of houses for sale that would fit appropriately. In their letter they explain what a suitable site would be. A residential setting they want to be within pool, churches, grocery stores, shopping, like it to be walkable. Are you

aware of any alternate sites that can be utilized for this within the town that we can point to?

Thomas Eldridge: Before we discuss this any further, I need to recuse myself from this because my personal business I work as a third-party contractor for Springbrook is a customer for the company that I am third party for. So, I'm going to sit over there.

Anonymous female: Where are there sidewalks in Chenango Bridge? He just mentioned they want somewhere that is walkable.

Nate VanWhy: That is one factor.

Anonymous female: I'm just asking for that one factor. Can you tell us where there are walkable sidewalks in Chenango Bridge?

Michael Boland: I do not know if they require a sidewalk. I am sure you walked down the street before too.

Anonymous female: I'm handicap.

Anonymous male: Are we allowed to give you some information.

Jamie Szenher: Unfortunately, tonight is not the public hearing, it is tomorrow night.

Anonymous male: I just want to point out a few.

Nate VanWhy: It is up to the Planning Board if they want to entertain dialog from the residents/ community. You have not scheduled the public hearing. The Town Board has done that for tomorrow night.

Michael Boland: He does not want to do it twice is what he is saying. I'm not against any of it. We will sit here and talk to you about it. We have nowhere to go tonight.

Mr. Coughlin: There is one at 771 River Road near the Super Cooper Park which has a bus stop in front it is a bigger lot, next to a deli. It is an old farmhouse three thousand square feet. Alternate site. Also, Guy Howard built a lot of this community, and they have deed restrictions. It was limited to single family houses in the development. The Board must turn down changing the structures and other things because it did not meet the deed restrictions. So, I understand I have an autistic son and understand the need. But making that into a seven-bedroom house, paving up the yard and putting up security lighting is worrisome. It

changes the character of the neighborhood. That is all I really want to say to you. I appreciate you taking the time and being on the Board.

Diane Aurelio: He said 771 River Road.

Brian Donnelly: Yes.

Jamie Szenher: It is an old farmhouse, isn't it.

Deb Mastronardi: Yes, that is the house where the large tree fell on it last year.

Jamie Szenher: It would need a lot of work inside. I do not think they will make it seven bedrooms.

Anonymous contractor: I can speak on this I'm a contractor that does a huge amount of work for Springbrook. They will all be separate bedrooms, which will be a seven-bedroom house. If you want to take a look at their recent project that we participated in is at 35 Blackstone Avenue on the south side of Binghamton. They paved a quarter of the front lawn. They have a two-car garage. And three more bedrooms. I drove there last night on the way up here. I think last night there were nine cars, thirteen cars today. Six are parked diagonally along the driveway. The rest were parked all over the street. You could barely drive down Blackstone Avenue. It is not safe. The stacking is one to one staff ratio to the client this does not include deliveries.

Michael Boland: There is a list of the ones that are in the town currently.

Anonymous female: You have a list.

Michael Boland: Yes, there are several in the town.

Anonymous female: Can we access that list. Can you provide that for us?

Jamie Szenher: Can we provide that? It is public information.

Nate VanWhy: There is one on Montague

Brian Donnelly: I cannot say there is any problem with that at all.

Gavin Stiles: there is one on William Road which is off Port Road, Wilson Hill Road, Castle Creek Road, and Pembroke Road.

Nate VanWhy: There are four in the area where you folks are. There is one that is off River Road, Montague.

Jamie Szenher: One on Pamela Drive.

Nate VanWhy: There is one for the elderly and it qualifies for one of the residential facilities that would be considered much of a concentration in our community. There are four other places that are approximately a mile from where you are. They don't all necessarily travel on the same roads, so that is another factor we have to think about.

Anonymous contractor: The other question I have is stacking this is a one-to-one staff ratio for. So, you will always have a minimum of seven people.

Deb Mastronardi: Plus, the therapist that comes in.

Anonymous contractor: That does not include staff changes and deliveries and all that. I do not know if the other neighborhoods have deed restrictions, things that Bob mentioned. The restrictions are in every one of our deeds. You cannot have any type of services whatsoever run out of those houses. Which is why most of us bought into that neighborhood. Cannot have a plumbing company or my flooring company or any other company next door to me?

Nate VanWhy: The town is aware of the deed restrictions. For the town's purposes, your deed restrictions the town cannot enforce your deed restrictions. That is something you as neighbors would be enforcing against your neighbors. Certainly, we can bring this up.

Anonymous male: You are suggesting we mitigate this with the neighbors is that what I am hearing.

Nate VanWhy: That is what your deed restriction gives you the right to do. You can sue your neighbor to make them comply with the deed restrictions.

Anonymous male: When they applied for this use, it says on the form to prevent this is the deed restrictions.

Nate VanWhy: They are not actually applying for permission from the Town. They have notified the Town we have an opportunity to object. Really what the application is with the Office of Mental Health in New York State. The State Laws override our Town Laws. We don't do our normal zoning /planning review. This is entirely because the Town Board asked the Planning Board for their opinion. Tomorrow night the Town

Board will decide whether they will object to the application. We have an alternative site like 771 River Road. That is almost a three-thousand square foot house. It is pretty big you can see it on Google mapper.

Brian Donnelly: That is part of them notifying the public that they are doing that. They also asked the Town if there were alternative locations that would satisfy their needs in place of the location that they are currently looking as part of the whole process.

Anonymous male: Just so I understand this if the Board objects to this. You shouldn't do this, and they object to it and they don't like 7771 River Road. No matter what the Board says they will still move forward with it.

Nate VanWhy: That will go before the Commissioner of the Mental Hygiene Department and Springbrook would argue before a hearing officer is this appropriate location or not. Then the Commissioner would make the decision.

Mr. Coughlin: If you give us a Negative Declaration it strengths our case against them.

Nate VanWhy: Both Planning and Town Board will not be reviewing SEQR for this. That would be reviewed by Mental Health.

Anonymous male: We have an eventual lawsuit, the way you are talking. If you convince the Town Board, we do not want it. We have enough of them already and feel this site is not an appropriate location. Then it strengthens our legal case. if we come into the Town Board and say we do not want this and feel this site is not appropriate site. Then it strengthens our legal case.

Nate VanWhy: We would have to see what the Commissioner of Mental Health says. He might disagree with everything we have said.

Anonymous male: Well, he can, then you have forty days to redo it. In the meantime, this gives us a little help. have notified Springbrook and let them know that formal notice that a group home is not permitted. You have the opportunity to object. If the Board objects to it preceding against the Town and Springbrook.

Mr. Coughlin: Give a Negative Declaration suggest we do not want this.

Nate VanWhy: That will depend on the Commissioner he may not agree with our findings.

Maura Cooley: Will this be struck down anyway because if the deed restrictions?

Nate VanWhy: We are not going to make a decision based on whether we think they will be successful or not. They will decide as a town whether we are going to object or offer alternate sites.

Maura Cooley: Alternate site.

Nate VanWhy: Do you want to do both? You can object and offer an alternate site.

Board: All agreed.

Brian Donnelly: I think the comment we should send to the Town Board is being just that our board does not feel that site is appropriate and we did have one alternate site. The Town Should also look at locating other sites. Does that sound reasonable?

Maura Cooley: Yes.

Anonymous female: What are they going to do about parking on river road.

Jamie Szenher: They can put additional parking in the driveway instead of parking on River Road.

Nate VanWhy: Looking at the aerial view at 35 Blackstone Avenue, which is a pretty big lot in the City of Binghamton.

Michael Boland: They can make additional parking.

Deb Mastronardi: They have a big garage and have plenty of room for growth.

Anonymous Male: That is going to be two of the bedrooms.

Inaudible: Too many people speaking at once.

Nate VanWhy: Does someone like to make a motion to recommend to the Town Board that the Town formally objects to the placement of a facility on four Fernwood Lane for traffic, safety and all the reasons identified in the emails. Also to recommend that the Town Board propose an alternate location of 771 River Road and also recommend the Town Board explore other alternate locations within the Town.

Jamie Szenher: I will make that motion with the restrictions.

Maura Cooley: Second

Anonymous contractor: The other address of the house is 40 Blackstone Avenue in the City of Binghamton. Pretty much across the street from their existing site that they already own. It is for sale for four hundred fifty-three thousand dollars, and it is three thousand nine six square feet.

Brian Donnelly: We should also add that as an alternate site.

Anonymous male: The Town already has quite a number of these facilities in the Town.

Thomas Eldridge: Can I speak as a citizen from the Town of Chenango?

Brian Donnelly: Yes.

Thomas Eldridge: Can you repeat for the citizens what you said about the density, the list of places and how the density is. Can you repeat that?

Nate VanWhy: So, when you look at that list there is four approximately within a mile four Fernwood Lane. There is one on Montague, Pamela and some other places within the town. That is a factor in concentration of these within an area. Directly across the street, like in Blackstone, I imagine those people will be pretty upset too. If the Town Board does choose to object, I cannot predict. If they object to it, put it in front of the Commissioner to make a decision about it.

Mr. Coughlin: Loss of tax revenue because it is a non for profit.

Michael Boland: I do not think the State really cares about the tax revenue. You just cannot throw that out there.

Anonymous male: Chenango Valley School District could.

Nate VanWhy: We have a motion and a second.

Brian Donnelly: We have a motion by Mr. Szenher and a second from Ms. Cooley. Diane, can we have a vote.

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|----------------|--------------------------------|---------------|
| Diane Aurelio: | Ms. Mastronardi, Board Member | Voted: Aye |
| | Ms. Cooley, Board Member | Voted: Aye |
| | Mr. Szenher, Board Member | Voted: Aye |
| | Mr. Eldridge, Vice Chairperson | Voted: Recuse |
| | Mr. Donnelly, Chairperson | Voted: Aye |
| | Mr. Boland, Board Member | Voted: Aye |

The motion was thereupon declared adopted by a roll call of 5 to 0.

Brian Donnelly: Anything else before the Board.

Thomas Eldridge: Motion to adjourn.

Jamie Szenher: Second

Meeting adjourned at 8:45 p.m.

Respectfully submitted,



Diane Aurelio
Ordinance Office