

**PLANNING BOARD
REGULAR MEETING (ZOOM)
MONDAY AUGUST 10, 2020
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NY – 13901**

Approval of the June 8, 2020, Regular Planning Board Minutes.

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

ALSO, PRESENT: Keegan Coughlin – Town Board Atty.
Alex Urda P.E. - Town Engineer
John Freer – Building/Code Inspector
Jo Anne Klenovic – Town Supervisor
Michael Boland - Alternate

ABSENT: Nicholas Cortese - Planning/Zoning Atty.

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.

Jamie Szenher - aye

Kevin Worden- aye

Alan Blythe - aye

Brian Donnelly -aye

Ms. Paddick - aye

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

All present and accounted for and has a quorum to proceed.

Ms. Paddick – Diane if you can put this in the record:

I Cynthia Paddick, Planning Board Chair have confirmed with Counsel that this meeting is being held in accordance with Executive Orders 202.1 and 202.15, originally issued by Governor Cuomo on March 12, 2020, and April 9, 2020, respectively, and extended by Executive Orders 202.28 and 202.29, issued on May 7, 2020 and May 8, 2020, respectively.

As relevant here, these Executive Orders suspend provisions of the Open Meetings Law to the extent necessary to allow any public body to meet and take any action authorized by law without permitting in public in-person access to meetings. They also authorize municipal board meetings and public hearings before such municipal boards to be held remotely by conference call or similar service.

This meeting is being held remotely via ZOOM virtual meeting software. The public has the ability to view or listen to this meeting live via the ZOOM app, web browser and by telephone.

This meeting is being recorded, and will be transcribed at a later date.

Minutes of the Meeting

Planning Board 8/10/20

Now we can proceed with the agenda, approval of the Planning Board minutes from June 8, 2020.

A motion was made by Mr. Worden, seconded by Mr. Szenher to approve the minutes from the June 8, 2020 regular meeting.

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

Noting to correct the misspelling of Ms. Paddick name on the first page second paragraph the minutes approved with this change.

NEW BUSINESS

- **2020-PB09 – Chenango Solar LLC**- Paul Woodward – 247 Airport Rd. – TM#096.05-1-8.11- Application for site plan update to revise the access driveway & Long EAF.

Mr. Urda - The referenced application is for site plan amendment of the referenced ground mounted solar energy system (solar farm). Amendment is to relocate the access drive closer to 20 ft. west of the proposed utility poles.

The application package included:

	Dated:	Rcvd.:
• Memorandum from applicant’s Engineer	07/02/20	07/07/20
• Site Plan (revised)	07/06/20	07/07/20
• Full EAF (prior)	3/17/20 ---	

Upon review of the following:

1. SWPPP and E&SC: Revise E&SC measures accordingly.
2. The amendment is subject to Broome County 239 review.
3. SEQR: The Part1.A description might add ‘Previous Negative Declaration; EAF amended to reflect revised access drive location.’

Please provide a signed/sealed site plan set to the Code Office.

I have no engineering objections to the amendment.

Mr. Freer – The ordinance office has no concerns with this revised site plan.

Ms. Paddick – do we have to have a separate motion regarding the SEQR.

Mr. Coughlin – You don’t have to make a separate motion regarding the SEQR “Negative Declaration”. Just note on the application specifically referenced change is reflected on the SEQR Form for the revised access location.

The applicant Paul Woodward was present to answer questions of the board.

There being no further discussion a motion was made by Mr. Donnelly, seconded by Mr. Worden to approve this site plan update to change the driveway access point.

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

ADVISORY OPINION/REFERRALS

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- **2020-V07 - Ricky & Mary Tesar-** 10 LaFrance Rd. – TM#112.09-3-18- Application for an area variance to construct an accessory structure (carport) exceeding the maximum allowed in a residential zone from 200’ to 504’ and a Short EAF.

The referenced application is an advisory opinion request from the ZBA for an area variance to construct an accessory structure (carport) exceeding the maximum area allowed in a residential zone from 200 S.F. to 504 S.F. in a Residential(R) Zone.

The application package included:

- Application to Zoning Board incl. permissions statement
- Applicant email “Letter of Intent”
- Site Sketch w/ carport shown
- Carport Product Info ---
- Short EAF

Dated:	Rcvd.:
07/01/20	07/01/20
06/11/20	07/01/20
07/01/20	07/01/20
07/01/20	
07/01/20	07/02/20

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. The request is minimal in nature.

The Short EAF Part 1 numbers 1,2,3, and 5 needs to be answered. Number 6 should be “yes”. Number 12b should be “yes”. It is in an archeological sensitive area.

Coordinate with the Building Department for code compliance review and a building permit for construction to comply with building code and flood plain codes within a 100 year floodplain. I have no engineering objections.

Ms. Paddick - Mr. Freer from the ordinance office.

Mr. Freer – I visited the site and have no concerns with this application just a building permit being required.

The applicants were present to answer questions from the board.

There being no further discussion or questions a motion was made by Mr. Blythe, seconded by Mr. Szenher to forward a favorable advisory to the Zoning Board of Appeals for this area variance.

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

- **2020-V08 – Jay Abbey –** 26 Buckley Rd. – Portion of TM#094.02-1-1.1- Application for an area variance to create a buildable lot with less than required road frontage from 240’ to 25’ easement in an agricultural zone & Short EAF.

Mr. Urda - The referenced application is an advisory opinion request from the ZBA for an area variance to create a buildable lot with less that required road frontage from 240’ to a 25’ easement within an agricultural zone.

The application package included:

- Application to Zoning Board incl. permissions statement
- Applicant letter

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Dated:	Rcvd.:
06/19/20	06/19/20
06/19/20	06/19/20
	Planning Board 8/10/20

- County Clerks Recording Page – Deed Information 11/13/98 06/30/20
- Boundary Surveys w/ house shown; incl. Surveyor’s Desc. 06/05/20 06/19/20
- Short EAF 07/01/20 07/01/20

Upon 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.

Site access to TM# 094.02-1-1.1 is obtained via a 50 ft wide R.O.W. which does not give access to the proposed lot. Where is the 25 ft. easement? Please add it to the survey. If legal counsel has no objections I have no engineering objections.

Mr. Freer – The ordinance office has no concerns with this variance request.

Mr. Abbey was present to answer questions from the board.

Mr. Urda – I have questions on the gap between the easement and the driveway. The 50’ right-of-way does not give access to the proposed lot where is the 25’ easement? We can figure it out behind the scenes.

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 for this area variance.

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

- **2020-V09 – Jeffrey M. Jacobs** – 3 Howard Dr. – TM#096.05-1-18- Application for a double area variance for an accessory structure (shed) to exceed the maximum size allowed from 125’ to 140’ & with less than required side yard setback in a residential zone & Short EAF.

Mr. Urda - The application is an advisory opinion request from the ZBA for a double area variance for an accessory structure (shed) to exceed the maximum area allowed from 125 S.F. to 140 S.F. and with less than required side yard setback from 5’ to 2.6’ in a residential zone.

The application package included:	Dated:	Rcvd.:
• Application to Zoning Board incl. permissions statement	07/12/20	07/13/20
• Applicant letter	07/14/20	07/13/20
• Site Sketch w/ shed shown ---	07/13/20	
• Site Photos ---	07/13/20	
• Building Flyer ---	07/13/20	
• Short EAF	07/12/20	07/13/20

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. Both requests are minimal in nature. The project requires 239 review which resulted in no impact.

We recommend coordinating with the Building Department for code compliance review and a building permit. I have no engineering objections.

Mr. Freer – The ordinance office has no concerns, just a building permit being required prior to construction.

The applicant Mr. Jacobs was present to answer questions.

Mr. Coughlin- Just want the board to be aware, Mr. Jacobs worked in our office and stopped working with us since 2017. If the Board feels this is a conflict of interest?

Ms. Paddick – I don’t feel this to be a conflict, its fine. Does anyone else have an issue with this?

There being none can we have a motion.

A motion was made by Mr. Blythe, seconded by Mr. Donnelly to forward a favorable advisory to the Zoning Board of Appeals for this double area variance.

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

- **2020-V10 – Thomas Holmes** - 5 Hiawatha Trail – TM#112.12-1-29- Application to exceed the maximum size allowed for an accessory structure (shed) from 125’ to 160’ in a residential zone & Short EAF.

Mr. Urda - The referenced application is an advisory opinion request from the ZBA for an area variance to exceed the maximum area from 125 S.F. to 160 S.F. for an accessory structure (shed) in a residential zone.

The application package included:

	Dated:	Rcvd.:
• Application to Zoning Board incl. permissions statement	07/09/20	07/15/20
• Applicant letter of Intent	07/10/20	07/15/20
• Site Sketch ---	07/15/20	
• Short EAF	07/20/20	07/20/20

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. The request is minimal in nature.

The Short EAF #12b should be “yes” (archaeological sensitive).

Recommend coordinating with the Building Department for code compliance review and a building permit. I have no engineering objections.

Mr. Freer – The ordinance office has no concerns.

The applicant was present to answer questions from the board.

Mr. Coughlin – I have to mention a possible conflict of interest. Coughlin & Gerhart has represented Mr. Holmes on other issues in the past, but we did not have any input on this variance application. That will be up to the board if they feel this is a conflict.

Ms. Paddick – I don't feel it is a conflict, does any of the board members feel differently? And does anyone have questions of the applicant?

There being none a motion was made by Mr. Donnelly, seconded by Mr. Blythe to forward a favorable advisory to the Zoning Board of Appeals for this area variance.

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

- **2020-V11 – Stephen Fletcher** - 29 Norman Rd. – TM#112.07-1-33- Application for an area variance to exceed the maximum allowed for an accessory structure (shed) to exceed the maximum size allowed from 125' to 240' in a residential zone & Short EAF.

Mr. Urda - The referenced application is an advisory opinion request from the ZBA for an area variance to exceed the maximum area from 125 S.F. to 240 S.F. for an accessory structure (shed) in a residential zone.

The application package included:

	Dated:	Rcvd.:
• Application to Zoning Board incl. permissions statement	07/15/20	07/15/20
• Applicant letter	07/15/20	07/15/20
• GIS Map w/ shed shown ---	07/15/20	
• Short EAF	07/15/20	07/15/20

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. The request is minimal in nature.

SEQR EAF Part 1 #'s 1, 2, 3 should be answered; 12b (archeological sensitive) is "yes".

We suggest coordinating with the Building Department for code compliance review and a building permit. I have no engineering objections.

Mr. Freer – The ordinance office has no concerns just a building permit being required prior to any construction.

The applicant was present to answer questions from the board.

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

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

Ms. Paddick does anyone have any other questions or concerns?

Minutes of the Meeting

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Mr. Urda – Keegan I'll have to check with you later on about Jay Abbey.

Mr. Coughlin - The status on the Zoom meetings, it is not looking good for the unforeseeable future.

Ms. Klenovic – Just to let everyone know the community room capacity is 20 people to meet the COVID guidelines.

There being no further business before the board a motion was made by Mr. Szenher and unanimously carried to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Secretary