

ZONING BOARD OF APPEALS
REGULAR TUESDAY SEPTEMBER 24, 2024
7:00 P.M. – TOWN HALL
1529 NYS RTE 12
BINGHAMTON, NY 13901

Present James Brewster, Chairperson
 Aleta Kinne, Vice Chairperson
 Scott Smith, Board Member
 Jon White, Board Member
 Edward Miller, Board Member

Also Present: Nathan VanWhy Planning/ Zoning Attorney
 Dan Wolters, Alternate
 Gavin Stiles, Ordinance Officer

James Brewster: I have 7:00 p.m.. so welcome everyone. I will open the Town of
Chenango Zoning Board of Appeals meeting, the regular August
meeting to order. Can we have a call:

Adam Donahue: Mr. Wolters: present, Mr. Miller: present, Mr. White: present, Mr. Smith:
present, Ms. Kinne: present Mr. Brewster: present.

James Brewster: Everyone is in attendance so we have a quorum plus and therefore
will continue with the meeting. Tonight, we have new business and a
couple of public hearings. But first is the approval of a couple of
months' work of minutes. Beginning on July 23, 2024, so I will solicit a
motion for approval for the July minutes.

Jon White: I think they were fine.

John White: I'll make a motion to approve July 23, 2024, Zoning Board minutes.

Aleta Kinne: Second.

James Brewster: Any discussion on those minutes?

Jon White: I think they are fine.

James Brewster: Can we have a roll call:

Adam Donahue:	Edward Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye

Aleta Kinne, Vice Chairperson Voted: Aye
James Brewster, Chairperson Voted: Aye

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

James Brewster: Now for the approval of August 24, 2024, minutes. To approve those minutes Any changes or comments regarding the minutes. If not, can we have a motion.

Aleta Kinne: I so move to approve the August 27, 2024, Zoning Board minutes.

Edward Miller: Second.

James Brewster: Any discussion on the minutes, going once twice three times. Can we have a vote:

Adam Donahue:	Edward Miller: Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

NEW BUSINESS

James Brewster: The next on the agenda is new business:

- 2024-V14 – Kevin Worden- 298 Port Rd. – TM#078.10-1-26- Application for a double area variance to create a buildable lot with less than required road frontage from 240' to 125' and less than required lot size from 2 acres to .43 acres in an agricultural zone and short EAF.

James Brewster: Board members make any comments on the application. The application appears to be complete. Does anyone have any questions for the applicant.

Aleta Kinne: It looks complete, but I have a question, Mr. Worden. Do you own the property behind this buildable lot?

Mr. Worden: No, I do not.

Aleta Kinne: That is someone else, ok thank you.

Jon White: I think the application is complete.

James Brewster: I also concur, anybody else. Good alright I will seek a motion to motion to accept the application, move it to the Planning Board for their advisory and schedule the public hearing for the October Zoning Board of Appeals meeting.

Scott Smith: So moved Mr. Chairman.

Jon White: Second.

James Brewster: Can we have a vote:

Adam Donahue:	Edward Miller: Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

James Brewster: We will move to Planning and scheduling the public hearing for next month.

PUBLIC HEARINGS

INTERPRETATION

James Brewster: Speaking of public hearings, we will start off with the application for interpretation. Application for:

- 2024-V11- BC LAUNDRY LLC. - ANDRE HAUKAL- 1367 Upper Front St. – TM 111.12-2-26 – Application for a zoning interpretation to have an LED sign for BC Laundry after code officer denied the sign application.

We had a little bit of a clerical issue getting out the legal public notices. We are going to open this public hearing shortly. Have the applicants go through the discussion arguments for the request of the interpretation. We will have the Code Officer respond. I'll check in with the public. Because of the clerical situation we will be forced to table the public hearing until next month. Anything else on that?

Nate VanWhy: Just to clarify the clerical error was on my end. I did not have my paralegal put the public hearing notices together. But getting an email from Diane with enough time, but it did not click. So, my apologies to the applicants. We will get it done for the next meeting. I just need to circle up with Diane on her process, it is a little different that Kari's was. So, I need to make sure we are building enough time for the appropriate checks to everything published in time.

James Brewster: Huson's this will also apply to your application as well. We will still have your portion of the public hearing to discuss the five factors with us and so forth. We have the interpretation, and the applicants present. You have applied to hear your argument regarding our interpreting the code. So therefore, I will open the public hearing for application 2024-V11. They will allow you to have the floor to discuss your point.

Mr. Haukal: We are simply replacing our existing thirty-year-old sign on the building. We wanted to do something a little more modern. Something more visible for the traffic. I wanted to do an LED sign. Gavin is familiar with our situation. He said the current code does not allow signs. I discussed this with him because there are some LED signs in the area. Specifically, across the street from me Big E Tire. I don't see why we can't have a sign on our property. If anything, we are trying to improve the signage for better visibility. I understand there are other LED signs in the Town of Chenango that are up and operating.

James Brewster: Board members have any questions? We will get into the discussion later.

Jon White: I have a question why do you want an LED sign?

Mr. Haukal: For various reasons, as you know with LED signs you can do messages or whether you are having specials promotions, or customer appreciation day, for future uses. The sign will obviously have BC Laundry logo information on it at the same time have messaging for the traffic on Front Street. Or for future customers we will have the ability to do that.

Board: We are good.

Nate VanWhy: Your application is for an interpretation of the code. When you stated what your thought process was you only pointed to other signs within the Town. To summarize, you said they have one why can't I have one. That is kind of shorthand of your argument. So, what in the Town Code specifically do you think should be interpreted to allow you, avoiding the existence of other digital signs. I know the Code Officer already provided us with a memo to the Planning and Zoning Boards where those digital signs are and how they got there. So, ignore those what you asked for is an interpretation. What in the Town Code are you saying should be interpreted to allow you to have a digital sign.

Mr. Haukal: I think I'm on a commercial zoning area near residential. Up and down the street is strictly commercial. I don't see why the code doesn't allow it. I can see if it was between neighborhoods bother houses seeing flashing lights in the middle of the night when the messages are switching. This is strictly a commercial highway if you will.

Nate VanWhy: So, you are not saying there is anything in the code that allows it. What you are saying is I'm trying to help explain it. The code doesn't allow it, but it should be allowed from a policy standpoint you think commercial districts should allow digital signs.

Mr. Haukal: Correct.

James Brewster: Anything else, questions. I will now open the floor to Mr. Stiles to discuss the ordinance/code version of the interpretation of the code.

Gavin Stiles: I don't have the actual code in front of me right now that was adopted in 2010. I believe the intent was to disallow changeable Led signs across the board and the code says in any zone in the Town of Chenango that is why I said I could not accept that application.

James Brewster: Do you happen to have the list of current places that have LED signs in the Town of Chenango.

Gavin Stiles: I thought you guys had that. There were several churches and use variances issued. I just didn't have it with me. I can go down the hall to get it.

James Brewster: We do I can read it into the record

Nate VanWhy: There were several pre-existing digital signs before the Town Board acted in 2010.

James Brewster: I will read with the correspondence for the record.

Ed Miller: Are we talking about digital or LED signs?

Nate VanWhy: We are considering these to be the same. Like a changeable copy sign, electronic changeable copy sign.

Gavin Stiles: The only exemption if for gasoline pricing.

Ed Miller: More digital than LED.

Nate VanWhy: LED is a type of light bulb. Electronic signs.

Aleta Kinne: Webster Dictionary states LED is a semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices (as for an indicator light) or text. The LED sign said is where they arrange these light emitting diodes on a slat panel in a way that the colors can be changed, and the message can be changed by using a photocell. That is what I got out of the dictionary.

James Brewster: Dualling noted. Any questions before I go to the correspondence?

Scott Smith: So, you are looking at a basic LED sign flat background one color?

Mr. Haukal: Yes.

Scott Smith: Not flashing like the one across the street.

Mr. Haukal: The flashing would be when it changes messages.

Scott Smith: Still one-color messages and background.

Mr. Haukal: The actual frame of the sign would be one color; the lettering can be different colors based on the season. At Christmas time it would be maybe red or green. The actual lettering signage will be different colors. Or the message would be a different color. Similar to what Big E Tire has. Their messages are in different colors.

James Brewster: Begin reading the correspondences into the public record:
List from the office code listing the current LED signs in the Town of Chenango as of 9/5/24.

V-02 2018 Big E Tire & Auto Service 1434 Upper Front St. TM#112.05-3-35
Use Variance to allow a free standing led sign (Pdd-c)

Use Variance approved 6/26/18 with stip:

- The LED sign continues to meet NYS DOT LED sign regulations (current & future)

V-22 2014 Central Baptist Church 1606 NYS Rte 12 TM#095.09-1-13
Use variance to allow an LED sign (Agr)

Use variance approved 11/25/14 with stip:

- Hours of illumination 7 a.m. to 10 p.m.
- Changeable copy sign fields & text are constant & non-flashing, scrolling or animated.
- Sign message to be changed only two times in a 24-hour period.
- Brightness of sign should not be obtrusive.

V-05 2009 First Methodist Church 740 River Rd. TM#112.07-7-10
Area & Use Variance increase the size from 16' to 56' and to replace existing sign with an LED digital message board (res)

In a residential zone Approved 5/26/09 with stip:

- Message board be lite from 10 am until 11 pm and not to scroll
- Area Variance approve with sign permit being required

V-06 2011 Use Variance to increase the time allowed for an LED sign to be Illuminated was approved 7/26/11 with the following:

- Weekdays 9 am to 10 pm and weekends 7 am to 10 pm.

Spot Dinner 1070 Upper Front St TM#218.08-2-28
Pre-existing non-conforming (Pdd-c)

CV School 743 River Rd. TM#112.07-6-22
Under NYS jurisdiction (Res)

Frontier 516 Main St. TM#112.06-6-8
Pre-existing non-conforming (Pdd-c)

James Brewster: I'm going to make a comment here that there is one no listed is the Chenango Forks Fire Department. I do not know when that sign went in and obviously, we don't have any indication of the right to put that in.

Scott Smith: They have one Project Concern. One color LED.

James Brewster: The Planning Board: Sent a joint letter to the Town Board and Zoning Board regarding application 2024-V11 BC Laundry. It stated the following:

The Planning Board stated in their letter, Dear Chairman and all Board Members at their meeting on 9/9/24 they considered the request of the interpretation for BC Laundry LLC to have a LED sign after being denied by the code officer in a commercial district. The Planning Board agreed that the LED sign with the language in Chapter 73 Zoning Article IV Signs 73-14 signs permitted in R district A district and the residential zones of Pdd districts. More specifically sub part §73-14 d that indicates "the following shall not be permitted in any zoning district of the Town of Chenango. Which continues to include Chapter §73-14 D subpart 3" no changeable copy signs such as light emitting diode (LED signs shall be permitted with the exception relative to gasoline station pricing) Given this the Planning Board supported the code officer denial despite the request being in a commercial development zone the language needs to be cleaned up and revised §73-14 D or we ask the Town Board to consider allowing LED signs and digital signs within the town. If the intent was to disallow this type of signage in all zoning districts the language can be added to §73-16 "regulation applicable to all districts.to emphasize the intent. The Planning Board refers to this application to the Zoning Board of Appeals and the Town Board for the comments to be considered. That is all the correspondence we have for the record. So, now we are at the pointing time I kind of mentioned earlier we are kind of handcuffed to seek a motion to table this application and leave the public hearing open until the October meeting.

Nate VanWhy: If you want to hold a special meeting, we can do that. To try to move these two applications faster. That puts you folks out and again my apologies for that. You could do that if you wanted to. We will just have to be sure the meeting room is open, and everyone's availability for that.

James Brewster: Up to the board members to do on the fly planning, but that is fine with me.

All the board members agreed to hold a special meeting.

Anonymous male: What is this notice we received?

Nate Van Why: That is a notice, that is a post card that we send out the official legal notice must go into the local town's newspaper.

Jon White: That is not what this gentleman is talking about.

Nate VanWhy: There are a couple public notification requirements. One is the postcards and the other is the newspaper. The newspaper got missed. So, the clerk's office and code did all of that piece and unfortunately, we got it a little off.

Mr. Haukal: I don't think anyone reads the newspaper anymore.

James Brewster: Dueling noted.

Aleta Kinne: If we hold it over, do the cards go out a second time?

Nate VanWhy: It will be re-noticed in the newspaper, and I would say why not do the cards again. That is certainly appropriate, there might be an argument you don't need to do the postcards. I would rather do it all over again anyway. The big thing is whether the meeting room is open or not. The publication requirement is five days before the hearing itself. The press requires you get it to them by noon of the third day before you want it published. Basically, eight days before your meeting, because you must get it on the paper. So, the earliest we could probably do it is October, if we get it to the paper by noon tomorrow. Which we can do. Published on Saturday. Have the meeting next week at the earliest would-be Thursday or Friday. The week of the seventh you should be good with any of these days

Aleta Kinne: Then we run into if the room is available.

Nate VanWhy: *I 'm looking at the calendar, to be on the safe side hate to have another mix up. The eighth The Adirondack Mountain Club meets from seven to nine. You could do it at six, it does not have to be at seven. Wednesday the ninth you have Stitching Friends from six p.m. to eight thirty.*

Ed Miller: How about Thursday.

Nate VanWhy: Thursday on the eleventh it is open.

Ed Miller: Thursday is the tenth, Friday is the eleventh.

Nate VanWhy: The Fibbers Group is meeting.

James Brewster: The seventh I cannot do.

Jon White: The first option is the eleventh Friday.

Nate VanWhy: So, Friday the eleventh and it looks like the room is open.

Aleta Kinne: Do we need a special meeting can't we hold it over until next month.

James Brewster: That is up for discussion.

Jon White: I can do the eleventh, do it at five.

Ed Miller: Earlier the better for me. Can we do it remotely?

Nate VanWhy: We can do it at five. You always need to have a quorum in person. People attending by remote, I do think the Town of Chenango has not authorized for remote meeting attendance for boards, so you cannot.

Aleta Kinne: I don't know when I'm available, I don't know what the sitters schedule is.

James Brewster: Neither do I unfortunately.

Ms. Huson: What if we can't be here? Does that matter.

James Brewster: You cannot, we are going to do most of the public hearing tonight Board discussion, and we will offer the public to have the opportunity to speak at the next meeting.

Jon White: They can say their peace tonight, then it is in the public records.

Ms. Huson: If someone objects if they didn't come today, we won't be there for the next meeting we are out of town that day.

James Brewster: To answer your question, you do 't have to be here,

Jon White: Neither one would have a ruling until the twenty-second. So, if we did it on the eleventh it would give them a couple weeks to go forward with their project. Could give them a couple of weeks to start their project on the eleventh. James Brewster: Someone can make that

motion on the floor to vote after further discussion if you would like to do that.

Jon White: I'll make the motion to hold a special meeting on October eleventh at five p.m.

Scott Smith: I'll second it.

James Brewster: Any further discussion about the special meeting.

Ed Miller: Based on that I have nothing going on that day.

James Brewster: We need a quorum

Aleta Kinne: I cannot say.

Dan Wolters: I can't make it.

Aleta Kinne: What day is it on and be done at what time.

Nate VanWhy: The calendar is not blocked for that day. No time limit on Friday is available. Jodi handles the schedule, ok. I will contact her about scheduling the room.

James Brewster: It looks like we have at least four. The only other thing is we will be waving the fee for the special meeting.

Nate VanWhy: They won't need to pay it.

James Brewster: We have a motion by Scott Smith and a second by Aleta Kinne to leave the public hearing open for the special meeting on Friday October 11, 2024 at 5:00 p.m.

Adam Donahue:	Edward Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

James Brewster: We will move the public hearing to October eleventh at 5:00 p.m.

Ms. Huson: That isn't fair we aren't going to be here.

Mr. Huson: So what is going to happen on the eleventh?

James Brewster: Tonight, we are almost there. We will be going over the five factors. You tell us about the project and read some things for the record and keep that public hearing remains open until the special meeting and then ask if anyone has any comments on application 2024-V13 on Stacy Drive. Close the public hearing. Then we move on to the environmental review and then we get into a board discussion.

Then summarize the five factors, motion to approve assuming we have a motion to approve and a resolution and that will be drafted. Then vote up or down and advise you of the results.

Mr. Huson: We will know by the eleventh.

James Brewster: You will more likely know; I have your email I can send it out that night.

Nate VanWhy: I recognize your concern, not being present. Members of the public show up and then voice opposition to it. I would suggest the board do not take action that night. Just hold it over again until the twenty-second. Then have a chance to appear and address those concerns those things might be.

Mr. Huson: I guess we don't have much choice.

James Brewster: Both are being held open for the special meeting scheduled for the Friday October eleventh at five p.m. We must finish application 2024-V11.

Mr. Haukal: So, on October eleventh you have the special meeting, nobody from the public attends or shows up. Then you folks make the vote.

James Brewster: Correct, I close the public hearing then based on the testimony tonight we would have our discussion on the application. Resolution is just the same way as the other application comes up for yours. What Nate said if there was an uprising we would then hold that public hearing over until later in the month to consider all the things. But if there is nothing.

Aleta Kinne: If both applicants agree why not just hold it at the regular meeting.

James Brewster: We could, we allowed ourselves to meet on the eleventh. Applicants, would you like us to meet on the eleventh? So, both are yes. Can we have a motion and vote to have a vote on having a special meeting on Friday October 11, 2024, at 5:00 p.m.

Nate VanWhy One thing I would like to clarify for both applicants. If someone appears in opposition and you're not there to address it, as indicated we need to keep your application open, so you get that opportunity to address any opposition. I offer the same consideration for the other gentleman as well. I'm also going to say if nobody shows up and the board chooses to take action not saying the board is going to approve your application. Because it is quite possible Zoning Board might say deny your request for the area variance. Unless there is any new information from the public that is presented that we think you should rebut the Zoning Board will move forward with what action they decide. Tonight is to hear everything from you folks. If you want to have some discussion on the merits of their cases, you could finish the rest at the next meeting. Trying to be as transparent as possible. Not saying the Zoning Board is going to absolutely approve you, because how we just laid this out this is not a guarantee for anybody.

James Brewster: It is a holiday weekend and my son's birthday too. I'm taking one for the team. Voted for the opportunity to meet on the eleventh to try make this as advantages to the applicant as possible by speeding up our meeting process.

Jon White: Have their decision two weeks sooner instead of waiting until the twenty seventh for their answer.

James Brewster: Given everything that has taken place and the applicants' desire for the special meeting. Seek a motion hold open the public hearing until the special meeting on October eleventh at five p.m. on application 2024-V13 Motion with those words.

Jon White: So moved.

Scott Smith: Second Mr. Chairman

Jon White: I make a motion for the ZBA to hold a special meeting on Friday October 11, 2024 at 5:00 p.m. on these two applications.

Scott Smith: Second.

Adam Donahue:	Edward Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

James Brewster: We wrapped you up for now.

Mr. Haukal: Capability of zoom for the applicant?

Nate VanWhy: Not sure if the town has the capability for that. Applicants can zoom in and we set up a zoom link, again I'm not sure if they we are capable of that.

Aleta Kinne: When is the next planning board meeting. They will have to wait another month.

James Brewster: This doesn't have to go back to the Planning Board. They already gave their opinion. It's just for the public and legalities.

Aleta Kinne: After they get their variance.

James Brewster: These folks don't need site plan review. Or for the interpretation for the LED sign.

Gavin Stiles: No, there wouldn't be any planning board stuff

James Brewster: Good thoughts that could have been an issue. I'm going to open the public hearing on application 2024-V13 for 44 Stacy Drive Application for an area variance to construct a garage in front of the principal structure in an agricultural zone and short EAF. I believe you did a nice write up on the factors. But first off tell us in general about your project, and what you are looking for.

Thomas Huson: Set up a one story two car 20' x 24' wood framed garage with matching siding with the existing house. Because of the septic system on one side of the house and the well on the east side of the house. The propane tank is on the northwest side of our house. I have shown the offsites to the front of the house surrounded by trees on both sides.

Aleta Kinne: Are we coming back to this for further discussion.

James Brewster: It's up to the board. We don't have to.

Thomas Huson: I thought our case was over.

James Brewster: You may want to hold here just a little bit longer. Continue to go through thirteen then we can decide on whether we are going to continue. Do you think what you are going to do with the garage in front. Tell us why you think it could be an undesirable change to the character of your neighborhood or detriment to your properties.

Thomas Huson: I don't think so. It is set so far off the road one hundred seven feet off the road and tree lined on two sides and the back is woods. The house is set up now with just our own driveway. So, there would be no extra traffic or anything like that. The only addition would be the garage in front of the house.

James Brewster: The garage would match the house.

Thomas Huson: It will match the existing house siding color match the current house and trim.

James Brewster: Question two is there any other method you can achieve this without a variance. I believe you did touch on that. Is there anything more you would like to add. You mentioned the well and the septic. No other place to put it. What about terrain.

Thomas Huson: The terrain is not an issue it is flat where the garage is going is nice and flat for the esthetics. That is the easiest place to put it because the driveway is right there. If we put it somewhere else, we would have to take trees down.

James Brewster: The next questions is Do you consider your variance request substantial . You addressed that in your letter. You may want to touch on that for the record. You seem to have a fair amount of land up there. It is a small garage.

Thomas Huson: It is twenty feet by twenty-four feet we are also thirty feet off the side property line. I'm sure that answers your question.

James Brewster: Basically, my question is the interpretation do you feel it is a big change from what the zoning allows? The zoning is you can not have anything in front of the primary structure.

Thomas Huson: I hesitate to bring this up, but a few houses down from me. Mr. Conklin. I'm assuming they got a variance three or five years ago to put a garage a few feet off the road. Ours is several feet off the road and basically will not see it. Mr. Conklin put in a beautiful garage right off the road. I hesitate to say that I don't want to get into it he did it why can't we do it. I'm using that to answer your question.

Nate VanWhy: Mr. Chairman if I could interject. When it comes to an area variance, knowing what the neighborhood is built like is important. Because if you look at a neighborhood, the question is it is consistent with the neighborhood and if the character of the neighborhood has a lot of garages in front of houses, then it would be consistent for you to also put one up there. It is relevant to bring that up in this regard.

Thomas Huson: He is on the same side of the street as us.

Scott Smith: As a real estate agent, I know that up on the hill there are a considerable number of those types of structures scattered up on the hills from the big block. At least a dozen within a mile Radius.

Aleta Kinne: We have done several on that road. I've been on this board for a long time. This is the lay of the land.

James Brewster: The final question I will ask you is Do you anticipate a lot of destruction to the environment

Thomas Huson: Most destruction will be excavating out whatever dimensions we need to build the garage. Hopefully nobody will know it is there. That is the whole idea.

James Brewster: In your letter you did address if it was a self-created issue, that is all I have for the standard questions. Board members have any questions for the applicant.

Board: We are good.

James Brewster: So now begins the opening for the public to comment. Going once, going twice. Ok nothing heard Now we will start off with the correspondence:

Thomas Huson: I do have a letter from our immediate neighbor closest to us. He is ok with it.

James Brewster: I didn't see it in the pdf. Thanks to Aleta, I will read it for the record:
Dear Board Members, I want to assure you that Tom and Linda Huson's request to add a garage to the front part of their driveway area (at 44 Stacy Drive) will have no adverse effect on my home or my family. They have my complete approval. From Kevin Slattery at 54 Stacy Drive. He is across or next to you.

Thomas Huson: Directly to the left.

Jon White: He is the one most impacted by it.

Thomas Huson: Yes.

James Brewster: Broome County: sent for 239 review and said this is not subject to 239 review because the project site is not located within five hundred feet of the State or County interests covered under GMU 239 l and m. Please see the BCGIS Parcel Details sheet, right column which notes that the project site is not subject to 239 review.it is not

Planning Board advisory – at their meeting on September 9th they considered the application for an are variance to construct a garage ahead of the principal structure in an agricultural zone and short EAF. The Planning Board refers this application to the Zoning Board with a favorable advisory.

Alex Urda, PE – Does not have any engineering concerns, 239 review is not required. SEQR is Type 2. The building department requires a building permit.

Do not have a drainage certificate not certificate letter. From the drainage coordinator. Probably not applicable.

Ordinance department: Building permit.

James Brewster: Otherwise, no objections.

Gavin Stiles: Zero.

James Brewster: That is everything that I have. Your letter from the neighbor. Any further questions. We are at the crossroads again. Given to our previous discussion I need to have a motion to keep the public hearing open and reschedule for October 11th at five PM.

Scott Smith: So moved Mr. Chairman

Aleta Kinne: Second.

James Brewster: Let's have a vote to keep the public hearing open and have a special meeting on Friday October 11, 2024, at 5:00 p.m.

Adam Donahue:	Edward Miller, Board Member	Voted: Aye
	Jon White, Board Member	Voted: Aye
	Scott Smith, Board Member	Voted: Aye
	Aleta Kinne, Vice Chairperson	Voted: Aye
	James Brewster, Chairperson	Voted: Aye

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

James Brewster: So will continue Friday the eleventh at five p.m. public hearing finish that up. Usually, we do SEQR which we cannot do until we close the public hearing to conclude tonight's business.

Nate VanWhy: These are both Type 2 Action under SEQR. Area variance for a residential home and a garage with an accessory structure. Interpretation is also a Type 2 action. No SEQR on either of these. I have had clients who are doing a project, and the public hearing remains open, usually on big commercial development. Public hearing the applicant says I'm going to make changes to your comments and concerns. So, it is not uncommon to have a preliminary discussion to flag any potential issues that you might want them to address if at all with their applications don't know what that might be. If you want to have a discussion you can if not, then adjourn and reconvene on the eleventh.

James Brewster: How do we feel. You can discuss either or both of these projects.

Nate VanWhy: You can discuss it or not. You are not acting on this tonight. If you have thoughts, you want to share with the other board members or the

applicants you can do that. You are not able to vote tonight, you must wait for the public hearing to be properly noticed.

Jon White: IS there any other stuff on the interpretation that we can research or look at. Or any other board members come up with something in addition to what we already have. That would be the only thing. I have what Aleta found and brought into the record. The town code, and what Gavin submitted and the Planning Board. Wondered if anybody else has anything. We talked about the DOT stuff I've been searching a little bit for but I couldn't find it.

Aleta Kinne: Back at that time there were more meetings on that. Big E had several meetings and a lot of discussion, and they were allowed to do it with a lot of conditions. They do a lot for gas stations too. At that time the churches did not follow their variances, and they were spoken to about the with the new regulations. That's what I remember.

Scott Smith: In answer to your question Stacy Drive I have no further questions or need for information. For the interpretation BC Laundry. The Led signs we did have a lot of meetings Kost Tire issue. I would like to review the notes from that and how we can come to that conclusion that would save some time on the eleventh.

Aleta Kinne: I don't remember how many meetings there were. I believe the suggestion from the Planning Board was to meet with the town board to address this situation. Which they didn't have a chance to do.

Scott Smith: Do you know anything about Kost Tire.

Gavin Stiles: I wasn't around when Kost Tire made their application. I know there was a lot of discussion on it and LED signs were not allowed anywhere then a lot of use variance were applied for. That is all I know.

Nate VanWhy: They are not applying for a use variance this is very different Interpretation.

Scott Smith: Has there been any applications for other signs that have been turned away.

Gavin Stiles: No, not in my tenure.

Aleta Kinne: Do you want to discuss that now.

James Brewster: I would like to wait for the special meeting because you want to do more research. I will just interject and say because it is an interpretation radically different from a use variance It is very clear to me what my answer is going to be based on the law on town code as it stands now. That's that. I have nothing else to say until next time.

Jon White: We will work on the other information and go from there.

James Brewster: That brings us to the end of our published agenda is there anything else from the board or the attorney that we need to discuss for administrative end.

Nate VanWhy: I can mention at the last town board meeting the Town Supervisor brought up a discussion about reviewing the zoning code comprehensively and in that conversation, there was a discussion about budgeting monies for the next fiscal year for the town to update their Comprehensive Plan. To have a consultant come in and work with the town and manage the process. Most likely be a committee of the town residents to direct them. Basically, budgeting money to accomplish that. It has been twelve years since the last Comprehensive Plan was updated. It's been a while. This might be a good time to do it. Comprehensive Plan always comes in with recommendations to the zoning code. My recommendation to the town be after finishing the Comprehensive Plan again budget money to hire consultants to come in and overhaul your zoning code as well. Maybe right size some of your regulations and reduce the number of area variances. That is just a flash preview of what we hope may happen in 2025.

Dan Wolter: Why the public hearing for the interpretation?

Nate VanWhy: When you look at the actions for State Law for the Zoning Board of Appeals procedures for them . It looks like you need a public hearing for all those use and area variance and interpretations.

Dan Wolters: It's not a variance, it's basically the same

Nate Van Why: Just what you said in the back of my mind I didn't think interpretation required a public hearing then I remember looking at it in the past five months, they do require a public hearing. They don't come up that often. When was the last time you did an interpretation.

Dan Wolters: Didn't you say it was state law.

Nate Van Why: It's in the State Law - Town Law 67 A or B. Not your Town Code.

James Brewster: If there is nothing else, I'll seek a motion to adjourn.

Jon White: So moved Mr. Chairman

Don Wolters: Second.

James Brewster: Any objections, any ostensions we assume everybody is in favor.
Thank you and our apologies for the clerical error. Hopefully see you
on the eleventh.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Diane Aurelio
Ordinance Office