

ZONING BOARD MEETING
TUESDAY – AUGUST 22, 2017
ZONING BOARD
7:00 P.M. – TOWN HALL – 1529 NYS RTE 12
BINGHAMTON – NEW YORK – 13901

PRESENT: Mr. Donald Phillips, Chairman
Messrs. Ruston, Waskie, & Smith
Ms. Kinne & Pandich

ALSO PRESENT: Donald G. Walls, Esq. – Town Attorney
Terry Kellogg, Councilperson
Scott Russell, Ordinance Office

The meeting convened at 7:00 p.m. at which time Mr. Phillips called the meeting to order and welcomed the audience. Mr. Ruston read a statement which explained how the Zoning Board members are appointed, along with the Board's functions, limitations and duties. Mr. Ruston noted that the reading of this statement not only informs the audience about the Zoning Board of Appeals, but it also reminds the Board members of their responsibilities. Mr. Ruston also read the Notices of Publication for each case, which was duly published, as required by law, and as evidenced by Affidavits of Publication received and placed on file.

APPROVAL OF THE MINUTES

- Approval of the Minutes for July 25, 2017 Zoning Board Meeting.

A motion was made by Mr. Ruston, seconded by Mr. Waskie to approve the Minutes of the July 25, 2017 Regular Meeting.

PUBLIC HEARING

- SERAFINA & VINCENZO ALTADONNA – 6 Merrill Rd. – TM#111.12-2-19 – Application for a Use Variance to convert a single family into a two family in a residential zone.

Mr. Walls conducted the Public Hearing.

Mr. Walls – As the Chairman said you want to convert a single family to a two family.

Mr. Altadonna – Correct.

Mr. Walls – History wise this was originally a two family?

Mr. Altadonna – Correct.

Mr. Walls – Then along came the 2012 flood and apparently the ground floor was damaged making it a single family.

Mr. Altadonna – That's what he's heard.

Mr. Walls – When you bought the property was it a single or a double?

Mr. Altadonna – A double. They didn't do much work – just cleaned it up and rented it.

Mr. Walls – Are you renting it now? Renting it as a double?

Mr. Altadonna – Correct.

Mr. Walls – Do you have to do anything to convert it?

Mr. Altadonna – No idea what it takes to convert it. Everything is done and it's being rented.

Mr. Walls – Each unit is separate? Separate kitchen, bedroom so forth?

Mr. Altadonna – Yes.

Mr. Walls – As far as you know it's been that way for how long?

Mr. Altadonna – Not sure how long it's been – he bought it and it was that way.

Mr. Walls – If this variance is not granted obviously you'd suffer a financial loss.

Mr. Altadonna – Yes.

Mr. Walls – Would you like to tell the Board anything else?

Mr. Altadonna – That it was originally two units – first floor second floor – no major cleanup then rented it. Awhile later they found out it was illegal. They want to make it right.

Mr. Walls – Anyone care to comment on this application? Hearing from no one we will close the Public Hearing.

Mr. Russell, Ordinance Office recommends this property originally was a two family dwelling. However due to the flood in 2012 the first floor became unoccupied with no furniture or carpet and doors off from the cabinets. The assessment was reduced by half of the building value of \$21,600 and changed classification to a single family dwelling. The Ordinance Office recommends approval with a building permit being required for the change of use to a two family dwelling and any interior modifications necessary to bring it into code compliance.

Mr. Phillips – Questions from the Board?

Mr. Ruston – Would like to know if the value of the property will increase?

Mr. Russell – Correct there will be an adjustment.

NEW BUSINESS

- ELI CLARK (Applicant)- John Judski (Owner) 180 Dimmock Hill Rd. – TM#110.12-1-29 – Application for a Use Variance to allow a double wide & Area Variance for less than required road frontage from 240' to 118' in an agricultural zone.

RECOMMENDATION – The Ordinance Office finds this application to be complete and would recommend that the Board accept and schedule a Public Hearing for September 26, 2017.

A motion was made by Mr. Ruston, seconded by Mr. Waskie to accept this application for a Use Variance to allow a double wide .

ROLL CALL: AYES – 5 NAYS – 0

A motion was made by Mrs. Kinne, seconded by Mr. Ruston to accept this application for a Area Variance for less than required road frontage from 240' to 118' in an agricultural zone.

ROLL CALL: AYES – 5 NAYS – 0

VOTES ON PUBLIC HEARING

- SERAFINA & VINCENZO ALTADONNA – 6 Merrill Rd. – TM#111.12-2-19 – Application for a Use Variance to convert a single family into a two family in a residential zone.

Mr. Phillips read the following correspondence.

Broome County Planning has reviewed the above cited case and has not identified any significant countywide impacts associated with the proposed project; however, they have the following comments:

- They make no determination as to whether the applicant meets the four tests of a use variance.
- The project site is located almost entirely within the Existing FEMA Special Flood Hazard Area and almost entirely within the Preliminary FEMA Special Flood Hazard Area. The Town Zoning Board of Appeals should exercise caution in approving the project located in the Special Flood Hazard Area. The applicant should be informed of the risks of placing the project in the Special Flood Hazard Area.

Urda Engineering recommends a favorable advisory with a code compliance review and any necessary building permit required with the Building Department.

Town Planning Board recommends a favorable advisory with a building permit being required and any interior modifications necessary to bring it into code compliance.

Drainage Coordinator recommends approval.

Mr. Waskie – Just putting back to what it was and there's nothing on the exterior to be done. He sees no problem with it.

Mr. Phillips – Back to the original intent.

A motion was made by Mr. Waskie, seconded by Mrs. Kinne to approve this application for a Use Variance to convert a single family into a two family in a residential zone with a compliance inspection and building permit required for any construction.

ROLL CALL: AYES – 5 NAYS – 0

ADJOURNMENT

There being no further business before the Board, a motion was made by Mr. Waskie, and seconded by Mr. Ruston to adjourn the meeting at 7:15 p.m.

Respectfully submitted,

Nancy Schnurbusch,
Recording Secretary