

**Zoning Board of Appeals
Meeting Minutes
One Court Plaza
May 22, 2017**

Present: J. Wright, B. Natoli, S. Sutton, L. Natoli, C. Birch, Jr.

Alternates:

Absent: E. Morano, G. Cleveland, R. Genung

Staff: Amy Donnison, Jason Lawrence

I. Call to Order

Chairperson J. Wright called the meeting to order at 7:03 PM. Chairperson J. Wright stated that the Zoning Board of Appeals is made up of volunteer members. In order to approve a request, 4 yes votes are required. (If the County 239 committee denies the request, the ZBA must have a majority plus 1, or 5 votes in order to approve.) The ZBA has up to 62 days to make a decision. All evidence must be presented during the hearing, don't assume the board knows anything. The ZBA does not write nor can it change the Zoning or Sign Ordinance. The Common Council has the authority to change the Zoning and Sign Ordinance. In the granting or denying of variances and special permits, the ZBA must substantiate the reasons for such granting or denial. A decision by the ZBA may be appealed to the court by filing an Article 78 appeal. There are 2 cases before the Zoning Board this evening: a Sign Variance request and an Area Variance request.

II. Public Hearing: Sandra Price – 137 East Main Street

The public hearing was opened at 7:04 PM. The following exhibits were entered into evidence:

1. Application from Sandra Price dated April 13, 2017.
2. Community Development report dated May 12, 2017.
3. Photographs of property
4. Copy of tax map of property
5. No phone calls received in opposition or support.
6. No letters received in opposition or support.
7. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition nor in support to the proposal. No response from the Chenango County 239 Review Committee was received at this time.

S. Price stated that she just purchased the property in February this year. The previous owner of the house had already had a hair shop in it but never had a sign and also left her a lot of the equipment for this business. S. Price stated that she had been a hair dresser for 42 years and also taught hair dressing. S. Price stated that since this is a new location she wanted a sign (which has been obtained and installed with a permit) but would like her phone number on it because someone just walking down the street may see it and punch the phone number into their phone to call later for an appointment. It is felt that without the phone number, since she is starting new again and in a new location, it would hamper her business. S. Price stated that she was unaware that she could not have a phone number on signage until after it was already made so she had to return it to sign maker to have the number removed.

S. Sutton inquired if she was already open for business. S. Price stated she just got her state license last week so yes, she is now. B. Natoli asked if there was a cost to having the phone number removed. S. Price stated yes, \$100. also that the sign person gave them vinyl numbers to put on if they were approved to have the phone number on from the ZBA. L. Natoli stated the sign looked tasteful and sees no issue with being allowed a phone number on business signage.

Chairman J. Wright asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:14 pm.

III. Public Hearing: Thomas Orlin – 84 Canasawacta Street

The public hearing was opened at 7:14 PM. The following exhibits were entered into evidence:

1. Application from Sandra Price dated April 13, 2017.
2. Community Development report dated May 12, 2017.
3. Photographs of property
4. Copy of tax map of property
5. No phone calls received in opposition or support.
6. No letters received in opposition or support.
7. Public Hearing Notice (mailed by the City to all property owners within 500 feet of the applicant).

A. Donnison read the Community Development report and noted that there had been no phone calls or letters received in opposition nor in support to the

proposal. No response from the Chenango County 239 Review Committee was received at this time.

Chairman J. Wright asked if anyone present had any further questions or comments. There were none. The public hearing was closed at 7:20 pm.

IV. Findings & Determinations for Richard Carnrike re: 69 Canasawacta Street

- Applicant wishes to replace carriage barn that was destroyed by fire with a larger garage 2' from the property line – requirement is a 10' lot line setback.
- Previous structure was 16' x 24', proposed garage will be 24' x 30'.
- The previous structure, according to survey map, was 2' from the property line.
- There would be a minimum of 10' separation between proposed garage and neighbors storage shed if approved.
- Applicant has already incurred cost above and beyond insurance payout due to the removal of many large trees not covered by insurance.
- Applicant property is in a flood zone which will require the use of flood proofing construction materials – also increasing the cost of construction.
- Yard drops off in rear yard which would then require additional fill.
- Previous structure was 2 story, proposed is single story.
Parcel is narrow but deep, creating placement difficulty.
- New paved driveway installed in 2014 – which would line up with proposed garage location.
- One letter received in support as well as verbal support.
- Neighbors (Bonnell's) on north side have no issues with proposed garage.
- No opposition.
- Lot is not substandard by open space requirement definition for R-1.
- This property is located in a neighborhood which is primarily residential.
- It would not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

- It does not appear that there is any alternative to accomplish the construction of the proposed garage by any other reasonable means.
- The requested variance is not substantial.
- The requested variance would not have an adverse impact on the physical or environmental conditions in the neighborhood.
- The alleged difficulty was not self-created.

J. Wright noted that the Zoning Board has always been very cautious about area variances and reviews each request based on the individual circumstances, neighborhood, lot size as well as any other factors they may need to make the best determination possible.

Motion made by E. Moran to approve the request for an area variance as submitted. Seconded by B. Natoli.

G. Cleveland inquired about the flood zone construction. Since it's not a home, are the flood requirements really a problem? J. Lawrence stated yes, that the construction must still meet FEMA standards and it is not easy to argue with FEMA. These standards drive up the cost of construction.

Motion Approved: 6 ayes; 0 nay.

Ayes – J. Wright, E. Morano, B. Natoli, S. Sutton, G. Cleveland, F. VanAlthuis

VI. Approval of minutes:

The minutes of November 23, 2015 were approved on a motion made by F. VanAlthuis. Seconded by G. Cleveland. Ayes All. Carried.

VII. Other:

A. Donnison handed out Use Variance information sheets as a refresher so that the members had time to reacquaint themselves with the process and that the new members could review for the first time. The reason for this is that a request for a Use Variance is pretty rare and there is an application received that will be heard in July.

V Adjournment:

There being no further discussion, the meeting was adjourned at 7:45pm on a motion made by E. Morano. Seconded by G. Cleveland. Ayes All. Carried.