

MINUTES OF THE TOWN OF BINGHAMTON ZONING BOARD OF APPEALS MEETING OCTOBER 25, 2021 AT 6:30 PM IN THE TOWN HALL, 279 PARK AVENUE, BINGHAMTON, NY.

Members Present: Chairman Gerardo Tagliaferri, Theresa Taro, Mark Bordeau, Sara Reifler

Others Present: Alan Pope (Town Attorney), Chelsea Mozley (ZBA Secretary), ZBA Liaison Dean Nye, Nick Pappas (Code Officer), Shannon Soboleski (Applicant), Zachary Soboleski (Applicant's Son), Troy Hopkins (Resident)

Chairman Tagliaferri called the meeting to order at 6:35 pm. He advised that member Bensley was excused from the hearing due to a work conflict.

The case on the agenda is for an application by Shannon Soboleski of 496 Park Ave for an area variance to place a 20' x 28.5' metal building for storage of wood pellets/equipment in advance of the primary structure, Tax Map No. 192.01-2-18.

Chairman Tagliaferri discussed the protocol for the meeting. He asked Secretary Mozley to confirm if all required postings and letters to the neighbors were sent out; she confirmed that the postings were completed on time and that all letters were mailed out with no correspondence received back from the neighbors. He also explained how the application was subject to 239 Review with the County, and the County suggested that the owner combine the two lots of land that he owns- the one lot with the residence, and the other lot that the proposed building would be built on. Chairman Tagliaferri then asked Mr. Soboleski to present the case.

Shannon Soboleski advised that he had the existing land that his house is on and decided to purchase the additional lot of land to add to his property. He advised that the property that his house sits on has no clearance for an additional building to sit on and that the land is wet and swampy. Chairman Tagliaferri asked for clarification of the issues on the existing land that the house is on. Zachary Soboleski explained that the right side of the property has no driveway, as there is a leach field present, and the left side does not have room due to the proximity of the neighbor's property line.

Member Taro asked how far the new structure would be from the neighbor's property. Zachary advised that it would be a minimum of 15 feet from the neighbor's property.

Neighbor Troy Hopkins advised that he had brought maps to illustrate the property lines. He wanted to make sure that his right of way was kept, so that he would not lose future use of the property. He stated that he acquired a building permit in July 2018 to build a fence around the property but had not been able to construct it yet. He thought that the documentation/survey he brought could help to establish the property lines.

Chairman Tagliaferri asked for clarification of the county parcel mapper that was provided with the Zoning Application. Zachary Soboleski advised that it was current and that when the additional lot was purchased a survey was completed. Chairman Tagliaferri asked Nick Pappas for clarification that the proposed structure would be entirely on the applicant's property. Nick advised that the proposed building would be built on the old driveway/road that is on Mr. Soboleski's property. He confirmed that it would be fully on their land with enough space between them and the neighbor's boundary.

Member Bordeau asked about the County's recommendation to combine the parcels and would the property lines need to be re-pinned. Nick confirmed that no, that just the two lots would be combined into one.

Chairman Tagliaferri offered that Mr. Hopkins could come up to give his evidence/input. Mr. Hopkins presented maps and pictures to illustrate the original property lines. He stated that when the county redid the lines that they took some of his property. Alan Pope asked for clarification of the property lines. Mr. Hopkins referred to the map that he brought up. Member Taro asked for clarification of what Mr. Hopkins was looking for. Mr. Hopkins stated that he just wanted to make sure that he maintains access to his property and if he has frontage. Alan Pope referenced the map that was provided and stated that the property line that Mr. Hopkins was concerned about is not an established road. He also stated there is nothing on the Soboleski's deed stating that they would need to share a right of way with anyone. Mr. Hopkins referenced his abstract and thought there might be information regarding a right of way.

Member Bordeau asked when the last time was that Mr. Hopkins looked at this abstract, to which Mr. Hopkins stated he wasn't sure. Chairman Tagliaferri stated that if there was something in the abstract regarding a right of way that the board would need to look at the information in order to make a decision to grant the variance. Alan Pope advised to give Mr. Hopkins one week- until November 1<sup>st</sup> to bring the abstract to the Town Hall so that it could be reviewed. Chairman Tagliaferri stated that the board should postpone the decision in order to give Mr. Hopkins the time to get the information to the Town Hall.

Member Reifler made the motion to give Mr. Hopkins until November 1<sup>st</sup> to provide evidence of a right of way and reconvene at the next scheduled meeting. Member Taro seconded the motion.

A roll vote was taken.

Chairman Tagliaferri: Yes	Member Reifler: Yes
Member Bordeau: Yes	Member Taro: Yes

Chairman Tagliaferri advised that the hearing would reconvene on 11/8 at 6:30 pm. He concluded the meeting at 7:10 pm.

Respectfully submitted,

Chelsea Mozley  
Zoning Board of Appeals Secretary