

**TOWN OF BIG FLATS  
ZONING BOARD OF APPEALS  
MEETING MINUTES**

**OCTOBER 27, 2015**

Town Hall  
Meeting Room  
7:00pm

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Members Present: Don Williams, Heather Hanson, Dick Seely, Dave Robbins, Diane Lantz

Members Absent: None

Staff Present: Tim Gilbert, Brenda Belmonte

Guests: Ron Potrzebowski, Susan Potrzebowski, Julie Dougherty

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Minutes

September 22, 2015

**Motion by Robbins, seconded by Williams to approve the minutes of September 22, 2015,  
Discussion, None, Motion Carries 5-0.**

**PUBLIC HEARING**

**ALL BRITE SIGN COMPANY / COURTYARD MARRIOTT HOTEL  
200 COLONIAL DRIVE  
TAX PARCEL #58.01-2-35.31**

Chair Williams opened the public hearing at 7:01pm noting it had been duly published in the Star Gazette.

Speaking for: None

Speaking against: None

Public hearing closed at 7:03pm

**RESOLUTION ZBA-6-2015**

**ALL BRIGHT SIGN COMPANY / COURTYARD MARRIOTT SIGN VARIANCE  
COLONIAL DRIVE  
TAX PARCEL # 58.01-2-35.31**

Resolution by: **Williams**

Seconded by: **Seely**

**WHEREAS**, the Zoning Board of Appeals of the Town of Big Flats received an application from All Bright Sign Company, representative of tax parcel #58.01-2-35.31, for relief from Section 17.52 of the Town of Big Flats Zoning Law, Signs; and

**WHEREAS**, the Town of Big Flats Planning Board returned the referral to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation the board grant said variance; and

**WHEREAS**, the Chemung County Planning Board will review the action with recommendations regarding approval or denial; and

**WHEREAS**, the Town of Big Flats Code Enforcement staff provided a staff report dated August 21, 2015; and

**WHEREAS**, the variance request submitted is as follows:

- to install three (3) principal use façade signs, rather than the two (2) allowed

**WHEREAS**, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Zoning Board of Appeals of the Town of Big Flats has conducted an uncoordinated review as lead agency; and

**WHEREAS**, the Zoning Board of Appeals has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, and reviewed the comments in the staff report dated August 21, 2015, pertaining to the review and evaluation of the proposed action; and

**WHEREAS**, this board has evaluated potential impacts to public health, safety and general welfare; and

**WHEREAS**, on the basis of materials submitted by the applicant on and before August 14, 2015, this board finds criteria #1, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant on and before August 14, 2015, this board finds criteria #2, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant on and before August 14, 2015, this board finds criteria #3, BFZL 17.60.120-B, to fail; and

**WHEREAS**, on the basis of materials submitted by the applicant on and before August 14, 2015, this board finds criteria #4, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant on and before August 14, 2015, this board finds criteria #5, BFZL 17.60.120-B, to fail; and

**WHEREAS**, the Zoning Board of Appeals of the Town of Big Flats determined, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type II will not have a significant impact on the environment and that preparation of an Environmental Impact Statement will not be required, issuing a Negative Declaration; and

**NOW THEREFORE BE IT RESOLVED**, this board held a public hearing on October 27, 2015

**FURTHER RESOLVED**, This board grants final approval for relief from Section 17.52 of the Town of Big Flats Zoning Law to allow a third principal use façade sign to be installed on the building. The building can now be identified as the Courtyard Marriott Hotel from Colonial Drive.

Request Granted:     AYES: Hanson, Robbins, Williams, Seely  
                              NAYS:  
                              ABSTAINED:

Dated: Tuesday, October 27, 2015  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams, Chairman  
Zoning Board of Appeals

**PUBLIC HEARING  
POTRZEBOWSKI AREA VARIANCE  
591 SING SING ROAD  
TAX PARCEL#47.04-1-85**

Chair Williams opened the public hearing at 7:05pm noting it had been duly published in the Star Gazette.

Speaking for: Applicant Susan Potrzebowski – an additional building is needed to store equipment used to maintain the property.

Julie Dougherty, 14 Birch Road, Horseheads – the applicants are respectable hardworking people. The trails would enhance the neighboring property.

Speaking against: None

Public hearing closed at 7:08pm

**RESOLUTION ZBA-2015-9  
POTRZEBOWSKI AREA VARIANCE APPROVAL  
591 SING SING ROAD  
TAX PARCEL # 47.04-1-85**

Resolution by: Williams  
Seconded by: Seely

**WHEREAS**, the Zoning Board of Appeals of the Town of Big Flats received an application from Ronald and Susan Potrzebowski of tax parcel #47.04-1-85, for three(3) requests of relief from Chapter 17.40.020 of the Town of Big Flats Zoning Law; and

**WHEREAS**, the Town of Big Flats Code Enforcement staff provided a staff report dated August 25, 2015; and

**WHEREAS**, the applicant seeks to construct a 30' x 50' (1500sq ft.) structure, less than 20ft in height, and

**WHEREAS**, this structure requires a request for relief of:

- “maximum allowable accessory building footprint (60% more than allowed)”,
- “maximum number of accessory buildings (100% more than allowed)”,
- “maximum allowable cumulative sq. footage (420% more than allowed)”, and

**WHEREAS**, the Chemung County Planning Board will review the action with recommendations regarding approval or denial; and

**WHEREAS**, this board has evaluated potential impacts to public health, safety and general welfare for each variance requested; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #1, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #2, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #3, BFZL 17.60.120-B, to fail; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #4, BFZL 17.60.120-B, to pass; and

**WHEREAS**, on the basis of materials submitted by the applicant, this board finds criteria #5, BFZL 17.60.120-B, to fail; and

**WHEREAS**, the proposed action is Type II action pursuant to SEQR 6 NYCRR Part 617.5(c) (13) and therefore does not warrant an environmental review; and therefore the Board makes a Negative Declaration;

**NOW THEREFORE BE IT RESOLVED**, this board held a public hearing on October 27, 2015

**FURTHER RESOLVED**, this board moves to **GRANT ALL** of the Area Variances Requested, to allow the relief from “Maximum Allowable Building Footprint”, “Maximum Number of Accessory Buildings”, and “Maximum Permitted Cumulative square footage of *All* Accessory Buildings”; This will allow the Potrzebowski’s to house the necessary equipment to maintain their 131 acres.

AYES: Robbins, Williams, Seely, Hanson  
NAYS:  
ABSTAINED:

Dated: Tuesday, October 27, 2015  
BIG FLATS, NEW YORK

By order of the Zoning Board of Appeals of the Town of Big Flats  
Don Williams  
Chairman, Zoning Board of Appeals

Seely questioned the R1 zoning since the property seems to be in an agricultural area.

Gilbert explained that spot zoning is not allowed. Therefore the property was zoned R1 which left pre-existing nonconforming parcels.

Susan Potrzebowski asked if they would be allowed to have animals.

Gilbert stated that some animals could be owned *as of right*; others would not be allowed because the applicant did not own them previously. The neighboring horse barn is pre-existing and so can continue with that use.

## **DISCUSSION:**

### **Demets Rooftop Stairwell**

The Planning Board, at their executive meeting, recommended this be a *minor deviation* in accordance with code and with FAA approval. The applicant will comply with SPDES, stormwater and any other requirements.

Williams concurs with the planning board's recommendation and feels it is a safety issue. Access to the roof must be available. In going forward, Williams suggests that all requests of this nature be sent directly to Tim. A variance should not be required when the deviation is being made to correct safety issues.

The zoning board unanimously supports the planning board recommendation.

**Motion by Seely, seconded by Robbins, to adjourn at 7:25pm, Discussion, None, Motion Carries 4-0.**

Adjourned at 7:26pm