

**TOWN OF WINDSOR
ZONING BOARD OF APPEALS**

PUBLIC HEARING MINUTES

DATE: July 17, 2013

TIME: 8:00 P.M.

LOCATION: Windsor Town Hall

BOARD MEMBERS PRESENT: Mahlon Guernsey, Chairman
Heather Gordon, Secretary
David Kohlbach
Lisa Goetz

HEARING NUMBER/ APPLICANT: Public Hearing # 1-2013/ Scott Triff

RE: Triff application for a Use Variance from Article III Section 93-11 of the Town Zoning Ordinance. Mr. Triff requests the use variance to build a garage for use as a machine shop in a residential district.

HEARING:

At a hearing of the Town of Windsor Zoning Board of Appeals on July 17, 2013, the above referenced request for a use variance was considered pursuant to the Town Zoning Ordinance.

Chairman Guernsey opened the hearing at 8:02 P.M. and entered the following into the minutes: An Affidavit of Publication in the official newspaper, An Affidavit of posting of the notice on the bulletin board in the Town Hall and an Affidavit of mailing the notice of the hearing to all neighboring property owners within 500 feet. A 239 form has been completed and sent to Broome County Department of Planning and Economic Development. The 239 form has not been received back from Broome County as of yet, but will be recorded in the Zoning Board meeting minutes once it is received. Code Enforcement Officer David Brown stated that SEQR is not required in this case, and will provide a written statement to the Zoning Board as such. Chairman Guernsey reviewed the hearing procedures to those in attendance, and swore in the attendees as a whole. Code Enforcement Officer David Brown and Town Councilman William McIntyre were in attendance at the hearing, as well as others who did not speak or identify themselves. Those in attendance who spoke for or against the use variance will be identified in these minutes under the appropriate headings.

In Support:

Applicant Scott Triff spoke on his own behalf regarding his application for a use variance. Mr. Triff explained that he would like to build a detached garage of approximately 24X30 in size, with a minimum of a 10 foot ceiling, on his property located at 204 Frost Road Windsor, where he has his principle home. Mr. Triff explained that he is a self-employed machinist, who manufactures small precision machined parts for his customers, and acts as a consultant. He would like to house a CNC machine shop in the garage, which would consist of two machines and an air compressor. Mr. Triff stated that he will not have any employees and there will not be any customers coming to the garage. There also will not be any truck traffic of any kind other than an occasional UPS delivery. Mr. Triff stated that there is little noise from the machines, and the air compressor will be housed in its own closet to minimize the noise from the compressor. Mr. Triff also stated that he will insulate the building to reduce any noise and is willing to work with his neighbors should there be any noise issues. Mr. Triff also stated that he will not post a business sign on his property. When Mr. Triff was questioned about any by-products or waste from his business, he provided the Board with a copy of the ingredients listed on the label for the cutting and grinding fluid. Mr. Triff stated that most of the fluid evaporates into the air, and what little waste fluid there is he puts into a bucket and appropriately disposes of himself at another location. The small amount of metal chips that are generated he takes to an appropriate disposal facility himself. When asked about the dimensions of his lot, Mr. Triff replied that his lot size is approximately 74 x164 and it is approximately 40 feet from his back door to his property line, and the neighbor's house is a minimum of 50 feet from that same property line. The garage would be built approximately 10 feet from the back of his home. When asked about the cost savings of having his machine shop on his property versus renting space as he does now, Mr. Triff had difficulty providing any numbers or cost comparison, he agreed that it would save him money to have his shop on his property and when pressed for numbers he replied, "I don't know, maybe \$300".

Matthew Benjamin of 2 Rudd Road Windsor, across the street from the Triff property, spoke in support of the variance. Mr. Benjamin stated that he does not have any issues with a machine shop being housed there, pointing out that it is a small business with minimal traffic and no noise.

In Opposition:

Duane Schrader of 11 Rudd Road Windsor, directly behind the Triff property, spoke in opposition to the variance. Mr. Schrader cited a NY State Statute that he says states that Mr. Triff has to prove in dollars and cents that he cannot use that property for anything other than a machine shop. Mr. Schrader states that without those figures, the Board does not have any basis to grant the variance. Mr. Schrader also expressed concern that the

Board would set precedence if they approved this variance, and therefore would not be able to deny other variance requests of a similar nature.

Kurt Schrader, no address given, spoke on behalf of his parents, Mr. and Mrs. Duane Schrader, in opposition to the variance. Mr. Kurt Schrader stated that the garage was not an issue, but the machine shop is not a permitted use in a residential district. He went on to explain that the machine shop could not be considered a home occupation, because it is not in a principal building. Mr. Kurt Schrader also stated that Mr. Triff cannot claim a hardship because the property was in a residential district when he purchased the property. He also pointed out that Mr. Triff cannot claim that he cannot make a reasonable return on the property, because a reasonable return in a residential district is a single or multi-family residence. Mr. Kurt Schrader also stated that he would consider the machine shop an industrial use, and therefore if the Board granted the variance, then they should require a 25 foot set back from the property lines as is required for industrial use. He also reiterated his father's point that the Board does not have any factual basis to grant the variance and cited the same NY State Statute.

Joyce Hornick of 17 Rudd Road Windsor, stated that she is not necessarily opposed to the machine shop, but has some questions. Ms. Hornick asked if property values in the neighborhood would go down as a result of the machine shop. Chairman Guernsey stated that the Board cannot answer that question, as we do not have anything to do with assessments of property. Ms. Hornick also asked if there would be chemicals involved and/or shavings in the air. Mr. Triff answered no to both questions. Ms. Hornick had no further comments or questions.

The Zoning Board received a letter on July 10, 2013 from Margaret Zajicek of 217 Frost Road Windsor, in opposition to the variance. Secretary Gordon read the letter, which stated that Ms. Zajicek is writing the letter in objection to the request to build a garage to be used as a machine shop, in a residential district. Nothing further was written.

CLOSING:

Chairman Guernsey closed the hearing at 8:40 P.M. The Zoning Board of Appeals will meet again on August 21, 2013 at 7:30 P.M. to consider the application and testimony of those in support of and opposed to the use variance, as well as review any recommendations from Broome County regarding the application. The Board expects to make a decision on the application at that time. Mr. Triff will receive written notice of the decision of the Zoning Board within 60 days of this hearing.

Respectfully Submitted,
Heather Gordon, Secretary