

**TOWN OF WINDSOR  
ZONING BOARD OF APPEALS**

**PUBLIC HEARING MINUTES**

**DATE:** September 17, 2014

**TIME:** 8:00 P.M.

**LOCATION:** Windsor Town Hall

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

**HEARING NUMBER/ APPLICANT:** Public Hearing # 3-2014 / Jeffery P.Gillen

**RE:** Gillen application for a Use Variance from Article III Sections 93-10 and 93-11 of the Town Zoning Ordinance. Mr. Gillen requests the use variance to operate an automotive repair shop in an R-14 Residence District.

**HEARING:**

At a hearing of the Town of Windsor Zoning Board of Appeals on September 17, 2014 the above referenced request for a use variance was considered pursuant to the Town Zoning Ordinance.

Chairman Guernsey opened the hearing at 7:59 P.M. and entered into the minutes the following: Affidavit of Publication in the official newspaper, Affidavit of posting of the notice on the bulletin board in the Town Hall and 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. SEQR is not required for this case. Chairman Guernsey reviewed the hearing procedures to those in attendance, and swore in the attendees as a whole. Code Enforcement Officer David Brown and Mr. Gillen were in attendance at the hearing, as well as others who spoke for or against the use variance and will be identified in these minutes under the appropriate headings.

### In Support:

Applicant Jeffery Gillen spoke on his own behalf regarding his application for a use variance. Mr. Gillen read a letter dated August 18, 2014 that he wrote to accompany his application. In the letter Mr. Gillen explained that he proposes to operate an automotive repair shop at 83 Liberty Highway to repair high end German cars. He has been trained and has over 20 years of experience working on these cars. He was left without a job when these vehicle lines moved out of the area. He worked at a couple of different places after that, but was not making any money. He then began operating a repair shop at his residence at 83 Liberty Highway. Mr. Gillen stated that the repair shop is well maintained and the waste is taken care of on a regular basis. He does not have bulk oil and he recycles the waste oil back into the plastic jugs and brings them to a local repair shop in Binghamton that utilizes the oil for their heat. He does not have floor drains; all spills are maintained with pig mats and are put into plastic bags and taken out weekly. He does not store parts, they are purchased as needed. Mr. Gillen stated that there are no junk cars or debris around outside. The lawn is maintained weekly and in the winter snow removal is maintained as needed. He also helps his neighbors with snow removal. Mr. Gillen answered questions that were asked by Board members and members of the public who spoke at the hearing. Mr. Gillen stated that he has a few vehicles parked across the street at another business, but there are no vehicles presently parked at the garage. However, he does have a small parking area near the garage to be used for vehicles he is working on that are waiting for parts, etc. Mr. Gillen stated that he keeps the garage and yard clean and there is no noise associated with the business. His business hours are 8-5, as he stated that he wants to keep the noise down for his neighbors. He pointed out that there are several other businesses operating in the area already. Mr. Gillen reported that he does pay New York State sales tax, and showed the Board members something on his phone to prove this. Mr. Gillen reported that he was working in Ithaca, but Ithaca is 1 ½ hours away and it was costing him approximately \$150 a week in gas. Mr. Gillen reported that his house is paid for but he has a home equity loan that costs \$700 a month, and he will be putting a new roof on his house very soon.

Scott Baker of 25 Colpitts Drive, Windsor stated that there is no high end German car lines left in the area where Mr. Gillen could work. He stated that Mr. Gillen's property is neat and orderly. He applauded Mr. Gillen for helping out his neighbors during the winter by clearing their driveways of snow.

Valerie Nagel of 97 Liberty Highway, Windsor stated that there is nothing outside of the garage and the business does not alter the neighborhood.

Penny Daugherty of 7 Colpitts Drive, Windsor stated that Mr. Gillen is a good neighbor and the business is not offensive in any way.

Gloria Beauregard of 4 Colpitts Drive, Windsor stated that she does not hear Mr. Gillen,

and the property is neat and clean. However, she does not want all of Liberty Highway going commercial.

In Opposition:

Secretary Gordon read a letter from Rosemary and Gary Boyce of 29 Hilltop Lane, Windsor, that was received by the Town Clerk on September 9, 2014. The letter stated that they object to the variance “For the same reason the Board rejected the like variance on Hilltop Lane a couple of years ago”.

Jerome Weisberg of 47 Hilltop Lane, Windsor questioned why Mr. Gillen has been operating the unregistered garage at that location for the past 4 years without proper approval. He also questioned if Mr. Gillen is paying New York State sales tax. Mr. Weisberg expressed concern about noise, pollution and his property value going down as a result of the repair shop. He also stated that there are 8 to 12 cars parked at the garage all the time. Mr. Weisberg also expressed concern about Liberty Highway being “Like a race track”.

Rae Devoe of 36 Hilltop Drive, Windsor stated that Mr. Gillen maintains a neat, nice place and she didn’t know the repair shop was there until recently. However, there has been 7 to 8 cars parked across the street at another business, and she objects to a “Used car lot”. Ms. Devoe reported that there are currently 3 cars parked across the street, some with license plates, some not. She stated that 2 years ago a similar variance request in the neighborhood was denied because it is a residential area. Ms. Devoe stated that the area is a nice, quiet neighborly place and she does not want the area to be commercial.

Code Enforcement Officer Davis Brown stated that there have been a couple of complaints about cars parked at Mr. Gillen’s property and across the street at another business. Mr. Gillen had the cars removed from his residence and some from across the street. Mr. Brown stated that the cars parked across the street can be parked there as it is a commercial parking lot.

**CLOSING:**

Chairman Guernsey closed the hearing at 8:39 P.M. The Zoning Board of Appeals will meet again on October 15 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. Gillen will receive written notice of the decision of the Zoning Board within 60 days of this hearing.

Respectfully Submitted,  
Heather Gordon, Secretary