

## Conklin Planning Board Meeting – April 15, 2019

**MEMBERS PRESENT:** Jim Hauss (Chairman), Dan Smith, Chris Ostrowsky, Lyle Fassett

**ABSENT:** Sharon Platt

**ALSO PRESENT:** William Graves, Attorney – Coughlin & Gerhart  
Bill Farley, Town Board Liaison  
Nick Vascello, Code Officer  
Mary Plonski, (Acting Secretary)

**VISITORS:** Alex Pelto, 1006 May St. Endicott NY 13760  
Bill Terboss, 659 Conkin Rd. Binghamton, NY 13903  
Jean Terboss, 659 Conklin Rd. Binghamton, NY 13903

**7:00 PM** Chairman Jim Hauss called the meeting to order.

**Agenda Item #1 Alex-Pelto, 650 Conklin Rd., Binghamton, NY 13903 Special Use Permit for NYS Dismantlers License, Tax Map# 161.11-1-12 Site Plan Review**

Attorney William Graves recused himself and advised the board that he could only advise on procedural issues as he has a conflict of interest in this case.

Jim Hauss thanked Dan Smith for his role as Acting Chairman at our last meeting.

Chairman Hauss stated that there were a series of questions from last month's Sketch Plan Review. He asked if everyone had a chance to look at the updated site plan. The following suggestions were made by the board to the applicant:

- a. Show dimensions of the building and breakdown of the rooms inside the building in the working area
- b. Show the dimensions of the property from the building to the property line on all sides
- c. Show floor drains in building. Currently the applicant will not be occupying that part of the building, but if the business expands the applicant plans on filling in the floor drains.
- d. Show ingress and egress
- e. Show North arrow, scale and date
- f. Show natural gas meter location

A review of the site plan showed all items had been updated, all board members agreed.

Chairman Hauss asked the applicant to go over his request so that the visitors here for the Public Hearing have an understanding of what his is asking to do with the property.

Alex Pelto, the applicant, explained that he is applying for a Special Use Permit, to operate a dismantling business at the above address. All dismantling of vehicles will occur inside the building. There will be no vehicles stored outside of the building. Once the vehicles are dismantled, the parts will be warehoused at the above address and then sold either on-line or to the public. Nothing will be done outside. Hours of operation will be Monday – Friday 8:00 a.m. to 5:00 p.m. Freon, oil and antifreeze will then be removed and disposed of by redemption centers.

Chairman Hauss asked for a motion to approve the Site Plan with the updated revisions since the last meeting.

**Chris Ostrowsky motioned** to approve the revised site plan. **Dan Smith second** the motion. All present members approved.

Chairman Hauss noted that because this is a request for a Special Use Permit, per Article XXIII a public hearing is required. The Public Hearing was opened at 7:10 pm.

Bill Terboss stated there is already a DMV License Sign at the location. Mr. Pelto stated that the owner of the building has their license there now. The owner will be removing the sign.

With no other comments, the public hearing was closed at 7:14 pm.

The board reviewed the Short EAF and made the following changes:

1. 8.b. Changed from NO to YES.

The board reviewed Part B of the Short EAF and found that this project will not result in any significant adverse environmental impacts.

Chairman Hauss asked for a motion that based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Lyle Fassett made a motion. Chris Ostrowsky second. All present board members approved.

Chairman Hauss read into record the criteria for approving a Special Use Permit.

### **ARTICLE XXIII Special Use Permits by Planning Board.**

§ 140-132. Authorization of Planning Board to review special permits.

The Planning Board is hereby authorized to review and approve or disapprove special use permits for land uses within the Town as designated in the Town of Conklin Zoning Ordinance pursuant to and in accordance with the standards and procedures set forth herein. The Town Board of the Town of Conklin hereby specifically delegates the authority to review special use permits to the Planning Board where specifically set forth in the Town of Conklin Zoning Ordinance.

§ 140-133. Applicability.

A. Special use permits required to be issued by the Planning Board may be issued only after the Planning Board has found that all of the following standards and conditions have been satisfied:

- (1) Such special use shall comply with all applicable regulations of all laws and rules, including all such zoning laws and rules for the district within which it is located.
- (2) Such special use possesses characteristics of unique and special form to warrant its consideration as an individual case.
- (3) The location, size of the use and structure, nature and intensity of the operation involved, size of the site in relation to it and the location of the site with respect to the streets giving access to it are such that it will be in harmony with the orderly development of the district.
- (4) The location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings.
- (5) Such special use shall not conflict with any Master Plan or any part thereof.
- (6) Operations of such special use shall not be more objectionable to nearby properties than would be the operations of any permitted use.

B. The Planning Board may recommend that additional standards be imposed on the special use to provide adequate safeguards to protect the health, safety, morals or the general welfare of the public and for preservation of the general character of the neighborhood in which such proposed special use is to be placed to minimize possible detrimental effects of the use on adjacent property.

C. The Planning Board shall deny application for a special use permit when, in its judgment, such special use is not in accordance with the standards set forth in this section or this article or when such use would prove detrimental to adjacent properties.

§ 140-134. Public hearing required.

In every case where a special use permit is required, a public notice and hearing must be held prior to any granting of such permit by the Planning Board. Notice of such public hearing shall be published in the official newspaper at least five days before the public hearing.

Public Hearing was published.

§ 140-135. Existing violations.

No special use permit shall be issued for a special use for a property where there is an existing violation of the Town of Conklin Zoning Ordinance.

Per Code Enforcement no known violations.

§ 140-136. Transferability and expiration of special use permits.

A special use permit is not transferable and shall authorize only one special use in addition to the permitted principal use. The special use permit shall expire if the special use changes or if the special use ceases for more than three months for any reason.

Chairman Hauss asked for a motion that based on the information and analysis above, and any supporting documentation, that Special Use Permit be granted.

Lyle Fassett made a motion. Chris Ostrowsky second. All present board members approved.

Chairman Hauss let the Applicant know that a Special Use Permit will be mailed to him.

**Chris Ostrowsky motioned** to approve March 18, 2019 meeting minutes as written **Lyle Fassett second**. All present board members approved.

**Chris Ostrowsky motioned** to adjourn meeting **Dan Smith second**. All present board members approved. Meeting Closed 7:41 p.m.

**Next Planning Board Meeting is scheduled for Monday, May 20, 2019 at 7:00 PM.**

Respectfully Submitted,  
Mary Plonski