

## Town of Conklin Zoning Board of Appeals – October 6, 2020

**MEMBERS PRESENT:** William Northwood, Chairman; Art Boyle, Elizabeth Einstein, Hal Cole

**ABSENT:** none

**ATTORNEY:** Keegan Coughlin

**ALSO PRESENT:** Mary Plonski, Secretary  
Nick Pappas, Code  
Willie Platt, Liaison

**VISITORS:** Dell Boyle  
Chris Ostrowsky  
Bill Brodsky  
Nick Platt

**7:00 P.M.** Chairman Northwood called the meeting to order.

Chairman Northwood reviewed emergency procedures to all that were present.

**Agenda item#1 Nick Platt, Marianne Stopper Platt  
5 Ross Hill Rd. Binghamton, NY 13903  
Tax Map 226.00-1-24.2  
Area Variance for Garage in front of house on corner lot**

Chairman Northwood asked the applicant to introduce themselves and state why they were here.

Nick Platt explained that they wanted to have a garage built on their property. They were told per Town of Conklin code they needed a variance because it was going in front of their home. Nick explained that there was a garage there before he purchased the property.

Chairman Northwood read into record the following correspondence:

1. Letter of Intent.
2. Zoning Board Application dated 8/28/2020.
3. Broome County Planning and Economic Development 239 comments dated 9/3/20.
4. Denial of Building Permit. Per Article VII, Section 140-39 Accessory buildings

A. Accessory buildings shall not be permitted in a front yard.

Art Boyle stated that he felt that because the front door was facing State Line Rd. the garage was not really in their front yard. Just because the mailing address was Ross Hill Rd. It didn't make it the front of the house.

Keegan Coughlin explained that when a house is situated on a corner lot, then there are two front yards.

Liz Einstein stated that this was a residential property therefore no SEQR is required.

Public Comments was opened. Bill Brodsky a neighbor stated that he had owned the property prior to selling it to the Platt's. He had torn down the old garage that was closer to the road than the proposed one. He had no issues with the new proposed garage and its location.

Public Comments was closed.

Chairman Northwood asked for a motion.

Art Boyle made a motion that we grant the application of Nick Platt & Marianne Stopper Platt for an area variance for property located at 5 Ross Hill Rd. Binghamton, NY 13903, Tax Map number 226.00-1-24.2 in an Agricultural zone.

Because the benefit to the applicant, when considered against the detriment to the health, safety, and welfare of the community, weighs in favor of the applicant, based on the following findings of fact. The well and septic create a unique situation that the garage cannot go anywhere else on the lot. An undesirable change will not be produced in the character of the neighborhood. The benefit sought by the applicant cannot be achieved by some other feasible method as follows: The location of the well and septic system. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood because there used to be a garage in that same area that was torn down before the Platt's purchased the property. The alleged difficulty was not self-created because of their layout of the well and the septic.

This motion includes the following conditions.

1. Completed within one year.

Hal Cole second motion.

Vote:

Liz Einstein	yes
Hale Cole	yes
Art Boyle	yes
Bill Northwood	yes

Chairman Northwood thanked the applicant.

**Agenda item#2      Chris Ostrowsky  
650 Conklin Forks Rd.  
Tax Map 210.02-3-17.11  
Area Variance for accessory storage building with height of 26 ft.  
Per Town of Conklin Code Article VIII Neighborhood Commercial District.  
Section 140-43 Building Height. B. Accessory buildings shall not exceed 18 feet in height.**

Chairman Northwood read into record the following correspondence:

1. Broome County 239 Letter dated 9/3/2020.
2. Broome County 239 comments to the Planning Board dated 7/20/2020.
3. Dept. of Transportation comments to the Planning Board.

4. Dept. of Public Works comments to the Planning Board.
5. Planning Board minutes of recommendation clarification on building height.

Chairman Northwood asked the applicant to state his intent.

Chris Ostrowsky explained that the storage building had been on the property for about 12 years. The prior code officer had allowed it as a temporary structure while building a primary building on the commercial property. The primary building is being constructed now and he has gone before the Planning Board for approval to keep the storage building. The structure was approved but due to the height of the structure being over the 18 ft. requirement, he had to come before the Zoning Board of Appeals.

Art Boyle commented that he is in favor of approving this case. The code officer at that time had given a verbal approval to build the accessory structure. The Planning board has approved the structure.

Hal Cole asked about the principal structure that was going up now on the property. Chris Ostrowsky explained that it was a building from the corporate park (NealonsTrucking) that was being torn down for the new Dicks building.

Keegan Coughlin stated that SEQR was done by the Planning Board as lead agency.

Public Comments was opened. (no comments)

Public Comments was closed.

Liz Einstein said she had no issues with the building. She stated that there were no neighbors here to comment from the public hearing notice.

Chairman Northwood asked for a motion.

Liz Einstein made the following motion:

I move that we grant the application of Chris Ostrowsky for an Area Variance for the property located at 650 Conklin Forks Rd. Conklin, New York, tax map number 210.02-3-17.11.

To allow an 8 foot variance to meet the 26 ft. needed for the roof rather than the 18 foot required by the zoning law. Because the benefit to the applicant, when considered against the detriment to the health, safety, and welfare of the community, weighs in favor of the applicant, based on the fact that the buildings placement is low and out of site and there were no neighbors for the public comments to complain. The benefit sought by the applicant cannot be achieved by some other feasible method. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. The alleged difficulty was not self-created. This motion includes the following conditions:

1. As the Planning Board was lead agency, all conditions from the Planning board needs to be met.

Hall Cole second motion.

Vote:	Liz Einstein	Yes
	Hal Cole	Yes
	Art Boyle	Yes
	Bill Northwood	Yes

All board members approved.

**Chairman Northwood asked for a motion** to accept the minutes of our last meeting.

Art Boyle motioned to approve July 14, 2020 meeting minutes and Hal Cole second. All present board members approved.

Chairman Northwood asked for a motion to adjourn.

**Hal Cole motioned** to adjourn the meeting. **Art Boyle second motion.** All present board members approved.

**Next Zoning Board Meeting will be held on Tuesday, November 3, 2020.**

Chairman Northwood closed the meeting at 7:40 p.m.

*Respectfully Submitted,  
Mary Plonski – Zoning Board Secretary*