

## Town of Conklin Zoning Board of Appeals – November 5, 2019

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

**ABSENT:** Nick Pappas

**ATTORNEY:** Keegan Coughlin

**ALSO PRESENT:** Mary Plonski, Secretary  
Willie Platt (Town Board Liaison)

**VISITORS:** Lori Hochdanner, 7 Munson St. Conklin (Maines)  
Hunter Divis, 45 Grant St. Binghamton NY 13904  
Steve Divis, 4493 Murphy Rd. Binghamton NY 13903

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

Chairman Northwood reviewed emergency procedures to all that were present.

**Agenda Item #1 Maines Paper & Food**  
**101 Broome Corporate Parkway**  
**Tx Map 194.04-1-19.2**

Mr. Northwood explained that we were reviewing the application to install and operate a Programmable Sign and will be making a recommendation to the Town Board.

Chairman Northwood asked the attorney if there was anything else that needed to be done. Mr. Coughlin said no that they would be opening the Public Hearing and if anyone wanted to speak that would be the time for them to do that. Mr. Coughlin also explained that there was no need for a SEQR since this is a recommendation to the Town Board who is the Lead Agency.

Mr. Northwood commented that Broome County had questions on the location and setback of the sign. He stated that the sign proposed was 7' x 3' x 8' high.

Chairman Northwood read into record the following correspondence:

1. Application (Attachment A)
2. Letter of Intent (Attachment B)
3. Broome County 239 comments dated October 28, 2019 (Attachment C)

Lori Hochdanner explained that the truck entrance at Darden Way has between 70-100 deliveries between 3:00am – 11:00am. They also have at least 100-150 Maines trucks leaving the property for deliveries, along with the employees going in and out. It is a very congested area. They have a policy that deliveries cannot be there before one hour of their allotted time. They are told they cannot park in the staging area of Maines, Darden Way or along the Corporate Park. Maines is aware that residents are complaining about the trucks parking on the Broome Corporate Parkway. We tell our drivers that they can't but they sneak in and we have security make them leave. They have had "no parking" signs put up along the Corporate Park by Broome County. The Sheriff and State Police have talked with the drivers. We are being proactive at not allowing them to park in that area. Currently there is a construction sign up states that they cannot be there before one hour of their scheduled time. The sign does not work all the time. The sign is solar powered and if it is raining or

has snow on it, the sign will not work. We are requesting a programmable sign just like the sign at the high school.

Hal Cole asked if the setback puts the sign on Maine's property. Lori responded yes. Hal then asked if the sign was going to be a one or two sided sign. Lori said just one sided. Hal also asked if Lori was aware there is a time requirement in our code that mentions an 8 second delay in the changing of the sign. Lori was not aware but will get the information on it.

Art Boyle asked if they thought about putting the sign right at the corner of Darden Way and the Broome Corporate Park. Lori said they had discussed it but they felt it would be dangerous if the drivers saw the sign and tried to back out of Darden Way.

Mr. Northwood asked for a motion to make a recommendation to the Town Board.

**Art Boyle made a motion** for a recommendation to the Town Board to approve a request from Maines Paper & Food Service, 101 Broome Corporate Parkway to install and operate a Programmable sign at the intersection of Darden Way.

**Hale Cole second** the motion. All board members approved.

**Agenda # 2            Hunter Divis**  
**4491 Murphy Rd. Binghamton NY 13903**  
**Tx Map# 193.02-2-34.1**

Chairman Northwood stated that the Zoning Board was reviewing an Area Variance to use an easement for access in place of the lot area requirements.

Attorney Coughlin stated this was a Type 2 Action and therefore no SEQR was required.

Chairman Northwood read into record the following correspondence:

1. Application (Attachment A)
2. Letter of Intent (Attachment B)
3. Broome County 239 comments dated October 17, 2019 (Attachment C)

It was mentioned that there were a number of shared driveways in that area.

Hal Cole asked that Mr. Divis if he could identify the area that we were reviewing. Mr. Divis explained that it was a larger parcel that was being split off.

Chairman Northwood asked what the frontage would be if this variance was approved. The frontage on the property will be 85 ft.

Hal Cole asked if there are any concerns with the easement that the board needs to be concerned with. Mr. Coughlin said the easement stays with the property.

Chairman Northwood asked for a motion.

Liz Einstein made to following motion:

I move that we grant the application of Hunter Divis for an Area Variance for property located at 4491 Murphy Rd. Binghamton NY 13903, Tax Map number 193.02-2-34.1.

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:

It will not produce an undesirable change to the neighborhood. There are nearby properties that have the easements and are structured in a very similar manner.

The benefit sought by the applicant cannot be achieved by some other feasible method. The property is currently land locked.

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 condition:

- 1) All work to be completed within one year.

Hale Cole asked that it be noted that the parcel is identified as B2-A on the map provided.

**Hale Cole second.** All board members present approved.

Chairman Northwood continued the discussion from the last meeting concerning changing the workshops to 6 pm but still keeping the regular ZBA meetings to 7pm if there was a case to review. Attorney Coughlin suggested that the website be updated to read:

Non Agenda (workshops – no cases to be heard) 6pm

Agenda (Cases to be heard) 7pm

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

**Art Boyle motioned** to approve the minutes of the October 1, 2019 minutes, **Liz Einstein** second. All present board members approved.

All boards members welcomed Dawn Shafer to the board.

Chairman Northwood asked for a motion to adjourn.

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

**Next Zoning Board Meeting will be held on Tuesday, December 3, 2019.**

Northwood closed the meeting at 8:05 p.m.

*Respectfully Submitted,  
Mary Plonski – Zoning Board Secretary*