

Town of Conklin Zoning Board of Appeals – December 6, 2016

MEMBERS PRESENT: William Northwood, Chairman; Harold Cole, Art Boyle, Elizabeth Einstein
Norm Pritchard, Tom Kelly, Paul Schofield

ABSENT: none

ATTORNEY: Nathan Vanwhy

ALSO PRESENT: Ron Lake, Code Officer
Mary Plonski, Secretary
Chuck Francisco, Town Board Liaison

VISITORS: Bob Gage, GBT Realty

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

Chairman Northwood reviewed emergency procedures to all that were present.

**Agenda Item #1 DNYP Conklin, LLC 1538 Conklin Road, Conklin, NY 13748
Tax Map No: 211.17-1-2 Request for Area Variance**

Chairman Northwood read into record the following correspondence:

1. Broome County letter dated November 21, 2016
2. Broome County Health Department comments dated November 21, 2016
3. Binghamton Metropolitan Transportation Study dated November 21, 2016

Nathan Vanwhy read Dept. of Transportation comments.

Bob Gage from GBT Realty Corp. on behalf of DNYP Conklin, LLC. presented to the board a request for an Area Variance of 38 parking spaces from the Town Code requirement of 61 spaces. He explained that they currently have 14,000 retail stores in operation in 27 states. The average store is 9,100 sq. ft. Normally a store will request only 30 parking spaces, but they are trying to come as close as possible to the 61 our town code requires, so they are asking for 38. The average store has 10 employees across three shifts, 6 days per week. The hours are 7am-9pm 6 days a week. Traffic pattern studies have shown an average of 10 cars per hour. A one hour peak time in the afternoon shows 23 cars. Along with 3 employee cars, that is still not close to the 38 spaces. He also mentioned that the wetlands are outside of the parking and building areas. They plan a 30 ft. drive entrance from the main road. Deliveries are once a week by a WB67 tractor trailer. They are planned early in the morning before customers are in the store.

Ron Lake (Code Enforcement Officer) commented that this is only being reviewed for an area variance. A full site plan review will go before the Planning Board.

Hal Cole stated that he had observed the Family Dollar store in Conklin along with the two retail stores on Court St. and the traffic seems to go along with what has been stated by Mr. Gage. Liz Einstein and Paul Schofield also have observed different stores and agree with Hal.

Hal Cole asked Nathan Vanwhy if it was necessary for them to do the Environment review if the Planning Board was going to be the Lead Agency. Nathan responded that because there has not been an application presented to the Planning Board yet, a full review is needed.

Hal Cole also mentioned two other variance issued that may be of concern.

1. Per code no parking space shall be located within 5 ft. of any front, side or rear lot line. The drawings show the front parking spaces 4' 7" from the boundary line. Hal expressed that it was only a small difference but one he felt (with board's agreement) should be added.
2. The minimum required size of each loading berth shall be 12'x55'. The drawings show 18'x 50'. Hal suggested this should also be a variance.

Harold Cole made the following motion: I move that we grant the application of DNYP Conklin LLC. for three area variances for property located at 1538 Conklin Road, Conklin, New York, tax map number 211.17-1-2.

1. To allow 38 parking spaces instead of the 61spaces required in the zoning law.
2. Allow an area variance from the required 5' setback of front boundary line to 4'7".
3. Allow an area variance for the required size of loading berth of 12'x55' to 18'x50'.

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 is a minimum setback request. 1. An undesirable change will not be produced in the character of the neighborhood or to nearby properties because it blends in with the neighborhood. 2. The benefit sought by the applicant cannot be achieved by some other feasible method. Creating 60 parking spaces would destroy the surrounding environment. 3. The requested variance is not substantial. Mr. Gage explained that the average parking spaces at each store are much less than the required by code. 4. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. 5. The alleged difficulty was not self-created. This motion includes the following condition:

Zoning Board requires that the applicant submit application to the Planning Board for a Site Plan Review approval and full scope SEQR review. Project needs to be completed one year from this date. (December 6, 2017)

Hal Cole stated that this was a Type 2 action, and a SEQR is required. After reviewing SEQR a negative declaration was made.

Art Boyle second motion and all present board members approved.

William Northwood motioned to adjourn the meeting and Art Boyle second. All present board members approved.

Next Zoning Board Meeting will be held on Tuesday, January 3, 2017.

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

Respectfully Submitted,

Mary Plonski – Zoning Board Secretary