

Town of Conklin Zoning Board of Appeals – February 6, 2018

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

ABSENT: none

ATTORNEY: Keegan Coughlin

ALSO PRESENT: Nick Vascello, Code Officer
Mary Plonski, Secretary
Willie Platt, 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 NYS Route 7, Conklin, NY 13748
Tax Map No: 162.18-1-53 Request for Area Variance regarding the number
of parking spaces at the proposed retail store project.**

Chairman Northwood read into record the following correspondence:

1. Broome County letter dated January 15, 2018
2. Broome County Health Department comments dated January 15, 2018
3. Binghamton Metropolitan Transportation Study dated January 15, 2018
4. Short Environmental Assessment Form.
5. Application and Notarized letter from current owners authorization to request all approvals necessary for the intended development of the Property.

Chairman Northwood read through the Short Environmental Assessment Form. Hal Cole stopped Bill and asked if number 10 and 11 could be reviewed. A discussion was had that number 10 should be changed to (yes) since there was a town waterline that goes in front of the property. Number 11 was also discussed and the attorney suggested that wording should be included to say "Septic system pending negotiation of easement".

There was a discussion on whether number 16 of the Short Environmental Assessment Form should be changed to yes. It was suggested to note that the back of the property is in the 100 year floodplain and the building will be in the 500 year floodplain.

Hal Cole commented that this is only being reviewed for an area variance. A full site plan review will go before the Planning Board. Hal asked Keegan Coughlin if it was necessary for them to do the Environment review if the Planning Board was going to be the Lead Agency.

A review of the Short Environmental Assessment Form was completed. Keegan asked that it be noted that this is an uncoordinated review of an unlisted action.

Bob Gage from GBT Realty Corp. on behalf of DNYP Conklin, LLC. presented to the board a request for an Area Variance of 30 parking spaces from the Town Code requirement of 61 spaces. He explained that they currently have 14,000 retail stores in chain. The average store is 9,100 sq. ft. Normally a store will request

only 20 parking spaces, but they are trying to come as close as possible to the 61 our town code requires, so they are asking for 30. 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 4 extra spaces available. He also mentioned that the floodplain are outside of the parking and building areas. Deliveries are once a week by tractor trailer.

Art Boyle asked Nick if this had any negative effect on well 3. Nick responded that the parking spaces had nothing to do with the effects on the well. Art also asked about sign size. Will the size interfere with site lines on the main road? Bob Gage stated that it would not.

Hal Cole suggested that it be noted that the Tax Map # 162.18-1-53 will be split off and a different number will be assigned. Attorney Keegan Coughlin agreed.

Harold Cole made the following motion: I move that we grant the application of DNYP Conklin LLC. c/o Bohler Engineering for area variances for property located at NYS Route 7, Conklin, New York, tax map number 162.18-1-53. For an area variance to allow:

1. 30 parking spaces instead of the 61 spaces required in the town zoning.

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 applicant has shown through numerous studies that the 30 parking spaces requested are more than sufficient for the requirements of the proposed store. 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. The applicant has indicated that the 30 spaces are sufficient for this business. 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.

The Zoning Board reviewed The 239 comments from Broome County. It was noted a majority of comments will be handled by the Panning Board during their Site Plan Review.

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. All present board members approved.

Next Zoning Board Meeting will be held on Tuesday, March 6, 2018.

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

Respectfully Submitted,

Mary Plonski – Zoning Board Secretary