

Town of Conklin Zoning Board of Appeals – April 2, 2019

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

ABSENT: none

ATTORNEY: Keegan Coughlin

ALSO PRESENT: Nick Vascello, Code Officer
Mary Plonski, Secretary
Willie Platt, Town Board Liaison

VISITORS: Colin Casey

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

Chairman Northwood reviewed emergency procedures to all that were present. A record of tonight's meeting will be available in the Town Clerks office in approximately 30 days.

Agenda Item #1 **504 Fall Brook Rd. Conklin, NY 13748**
Tax Map No: 210.02-2-44
Request for an Area Variance.
(Accessory buildings shall not be permitted in a front yard.)

Chairman Northwood read into record the following correspondence:

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

Chairman Northwood asked Keegan Coughlin if the SEQR needed to be reviewed. Keegan noted that this was a Type II Action and a Negative Declaration and therefore did not need the SEQR unless the board felt it wanted to do an environmental review. The board felt no review was needed.

Chairman Northwood asked Mr. Casey to state why he was coming before the Zoning Board tonight.

Mr. Casey stated that right now he only has a 16' – 24' garage. He has a classic truck, motorcycles and other items that will not fit into the existing garage. I want to build a new garage but the way my property drops down in back, it narrows and would actually be in the lower area and have a higher chance of flooding. The highest area in the yard is at the front of my property. The issue is that it would be partially in front of my house.

Hale Cole asked what the height of the building will be. Mr. Casey responded that it wasn't 100% determined at this time. Mr. Cole stated that code is no higher than 18 feet. Mr. Casey said he would work with Nick (Code Officer) to make sure it was within code. Mr. Cole also asked if he had measured from the side lot. Mr. Casey said he had and it was 12'.

Art Boyle asked what the drywell noted on the site map was for. Mr. Casey stated that it was for the drain in the existing garage. Mr. Boyle asked where the 22' in the front of the garage was measured from. Mr. Casey said it was from his front property line.

Per the 239 comments, the board made Mr. Casey aware that he was building in a floodplain and special care needed to be taken. Mr. Casey noted he was aware and had flood Insurance and would be adding the garage to that policy. Colin stated that he has not had any flooding on his property since he has owned it.

Norm Pritchard asked if he had spoken with his neighbors on the creek side. He said he spoke with the neighbor yesterday and he had no issues with where the garage was going to go.

Chairman Northwood asked for a motion.

Hale Cole made the following motion: I move that we grant the application of Colin Casey for an area variance for the property located at 504 Fall Brook Rd. Conklin NY, tax map no. 210.02-2-44. To allow for a 24' x 30' garage to be built approximately 20' from the front property line. 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: There is no other place for the applicant to place it on his property due to the sloping of the property. An undesirable change will not be produced in the character of the neighborhood or to the nearby properties because the garage will not disrupt the neighborhood. There are other neighboring homes with garages in the front. The benefit sought by the applicant cannot be achieved by some feasible method as follows: The location of the drywell on the property. The lot tapers to create a flood situation. The requested variance is not substantial because there will still be approx.20' in front of the property line. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood as there are other homes with garages in front of the homes and large utility buildings. The alleged difficulty was not self-created as the property has been sloped since before Mr. Casey purchased the property. The motion includes the following conditions: That the project be completed within one year April 2, 2020. The approval is based on the site plan showing garage doors will be on the side of the garage and not in the front facing the road.

Hal Cole stated that this was a Type II Action, therefore no SEQR is required.

Art Boyle second motion and all present board members approved.

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

Art Boyle motioned to approve the minutes of the March 5, 2019 meeting and **Liz Einstein** second the motion.

All present board members approved.

Chairman Northwood asked for a motion to adjourn the meeting.

Hal Cole motioned to adjourn the meeting. All present board members approved.

Next Zoning Board Meeting will be held on Tuesday, May 7, 2019.

Northwood closed the meeting at 7:48 p.m.

Respectfully Submitted,

Mary Plonski – Zoning Board Secretary

(Attachment A)

504 Fallbrook Rd.
Conklin, NY 13748
February 24, 2019

To Whom it May Concern,

I am writing to apply for a placement variance to build an out building on my property at 504 Fallbrook Rd, Conklin, NY 13748. The variance is necessary because in order to build my outbuilding it will need to be roughly 15 feet in front of my home. Attached find a scale diagram with all clearances noted and questionnaire for approval. The building will be a 24 x 30 metal building on a concrete slab used for personal auto storage. The building must be placed in my side yard because of the placement of our well and lower elevation. It must be placed roughly 15 feet in front of my home because of the way my property line is drawn. The structure will still be more than 12 feet from the property line (at the closest point) and more than 35 feet from the road shoulder. While my property is in the floodplain, the placement of the outbuilding will be 2 feet above flood elevation and not house any livable quarters.

Colin Casey
607-624-3815
c.colin34@yahoo.com

VARIANCE APPLICATION

DATE 2/24/19 PHONE 607-624-3815
NAME Colin Casey
LOCATION 504 Fallbrook Rd, Conklin NY 13748
TAX MAP 210.02-2-44 ZONING R-15

AREA VARIANCE - COMPLETE PART A ONLY

- A. 1) WILL AN UNDESIRABLE CHANGE BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD, OR A DETRIMENT TO NEARBY PROPERTIES. (Explain why)
No, the community is rural and agricultural in nature. A metal building is quite common in this neighborhood. The structure will be brand new and compliment the aesthetic of our home.

- 2) CAN THE PROPOSAL BE ACHIEVED BY SOME OTHER FEASIBLE ALTERNATIVE WHICH DOES NOT REQUIRE AN AREA VARIANCE. (Explain why)
No, putting the structure in the back yard would be too close to our well. It would also put the structure below flood elevation. The new structure can not go directly out to our attached garage because of a drywell.

- 3) IS THE AREA VARIANCE SUBSTANTIAL? (Explain why)
We don't believe so, less than half of the structure will be in front of the house, less than 15 feet.

- 4) WILL THE VARIANCE HAVE AN ADVERSE IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD. (Explain why)
No, it will be far enough off the road that it won't cause a sight obstruction. It is a flat area that will need minimal grading, while also being the high point of the yard where pooling does not currently occur.

- 5) WAS THE DIFFICULTY SELF-CREATED? (Explain why)
No, due to all wells being in place before we bought the property being out of our control. We've reached out to neighboring property owners to extend borders to no avail.

USE VARIANCE COMPLETE PART B ONLY

- B. 1) PROVE BY COMPETENT FINANCIAL EVIDENCE, THAT HE OR SHE IS UNABLE TO REALIZE A REASONABLE RETURN FROM THE PROPERTY UNDER ANY PERMITTED USE. (Explain why)

- 2) PROVIDE PROOF THAT THE HARDSHIP IS UNIQUE TO THE PROPERTY. (Explain)

- 3) SHOW THAT THE PROPOSED PROPERTY USE WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD. (Explain)

- 4) PROVIDE PROOF THAT THE HARDSHIP WAS NOT SELF CREATED. (Explain)

ALL FOUR OF THESE STANDARDS MUST BE MET IN ORDER TO OBTAIN A USE VARIANCE.

PICTURES OF PROPERTY ARE VERY HELPFUL.

Colin Casey
SIGNATURE



State of New York
County of Broome Government Offices

(Attachment C.)

Department of Planning and Economic Development
Jason T. Garnar, County Executive · Frank Evangelisti, Director

February 28, 2019

Mr. William Northwood, Chair
Zoning Board of Appeals
Town of Conklin
PO Box 182
Conklin, New York 13748

RE: Review Pursuant to Section 239-l and -m of the General Municipal Law

Dear Mr. Northwood:

The Broome County Department of Planning and Economic Development has received your request for review of the below captioned matter:

Applicant: Colin Casey
Project: Area Variance: Install 30 X 24 garage on concrete slab with less than 15 feet extending in front of the house at 504 Fall Brook Road
Municipality: Town of Conklin
Tax Map No: 210.02-2-44
BC Case: 239-2019-022

The Planning Department has reviewed the above-cited case and has not identified any significant countywide or inter-community impacts associated with the proposed project. However, we have the following comments:

- The project site is located entirely within the Existing FEMA Special Flood Hazard Area and entirely within the Preliminary FEMA Special Flood Hazard Area. The Town Zoning Board of Appeals should exercise caution in approving a project located within the Special Flood Hazard Area. The applicant should be informed of the risks of placing the project within the Special Flood Hazard Area.

Please submit a copy of your decision in this case within seven (7) days of taking action so it can be included in the case record. Thank you for your cooperation.

Sincerely,

Frank Evangelisti
Director

FE/lmz

cc: Ms. Mary Plonski, Code Enforcement Officer, Town of Conklin
Mr. Nick Vascello, Code Enforcement Officer, Town of Conklin
Ms. Cheryl Sacco | Partner, COUGHLIN & GERHART, LLP
Mr. Keegan Coughlin | Associate, COUGHLIN & GERHART, LLP
Ms. Kelli J. Gallegos | Paralegal | Legal Assistant, COUGHLIN & GERHART, LLP
BC file copy



TOWN OF CONKLIN

1271 Conklin Road • P.O. Box 182 • Conklin, New York 13748

Phone (607) 775-4114 • Fax (607) 775-1434

April 9, 2019

Colin Casey
504 Fall Brook Rd.
Conklin, NY 13748

RE: Area Variance
Tx Map: 210.02-2-44

Dear Mr. Casey,

The following motion was unanimously approved at the April 2, 2019 Zoning Board of Appeals Meeting:

Hale Cole made the following motion: I move that we grant the application of Colin Casey for an area variance for the property located at 504 Fall Brook Rd. Conklin NY, tax map no. 210.02-2-44. To allow for a 24' x 30' garage to be built approximately 20' from the front property line. 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: There is no other place for the applicant to place it on his property due to the sloping of the property. An undesirable change will not be produced in the character of the neighborhood or to the nearby properties because the garage will not disrupt the neighborhood. There are other neighboring homes with garages in the front. The benefit sought by the applicant cannot be achieved by some feasible method as follows: The location of the drywell on the property. The lot tapers to create a flood situation. The requested variance is not substantial because there will still be approx. 20' in front of the property line. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood as there are other homes with garages in front of the homes and large utility buildings. The alleged difficulty was not self-created as the property has been sloped since before Mr. Casey purchased the property. The motion includes the following conditions: That the project be completed within one year April 2, 2020. The approval is based on the site plan showing garage doors will be on the side of the garage and not in the front facing the road.

Hal Cole stated that this was a Type II Action, therefore no SEQR is required.

Art Boyle second motion and all present board members approved.

Respectfully,

William Northwood
Chairman



TOWN OF CONKLIN

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January 21, 2019

Frank Evangelisti, Director
Br. Co. Dept. Plan. & Econ. Dev.
PO Box 1766
Binghamton, NY 13902

Re: BC Case 239-2018-155 Site Plan Review, Administrative offices at 936 Conklin Road, Conklin, New York 13748

Dear Mr. Evangelisti,

Planning Board made the following decision at the December 17, 2018 meeting on the above case:

Lyle Fassett motioned to approve the site plan as amended with the following condition: A legally binding agreement is required to be formalized between the Town of Conklin and 1805 Marchuska, LLC for the shared ingress and egress use of the Town of Conklin owned driveway before the operation of this business can begin. This document is to become part of this site plan when completed. **Dan Smith second.** All board members approved.

Respectfully,

James Hauss, Chairman

JH/rh

Cc: W. Graves, Counsel/ S. Jacobs, Town Clerk /N. Vascello, Code Officer / W. Northwood, Zoning Bd Chairman
1805 Marchuska LLC



TOWN OF CONKLIN

1271 Conklin Road • P.O. Box 182 • Conklin, New York 13748

Phone (607) 775-4114 • Fax (607) 775-1434

April 9, 2019

Frank Evangelisti, Director
Br. Co. Dept. Plan & Econ. Dev.
PO Box 1766
Binghamton, NY 13902

Re: BC Case 239-2019-022 Area Variance 504 Fall Brook Rd. Conklin, NY 13748

Dear Mr. Evangelisti,

The following motion was unanimously approved at the April 2, 2019 Zoning Board of Appeals Meeting:

Hale Cole made the following motion: I move that we grant the application of Colin Casey for an area variance for the property located at 504 Fall Brook Rd. Conklin NY, tax map no. 210.02-2-44. To allow for a 24' x 30' garage to be built approximately 20' from the front property line. 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: There is no other place for the applicant to place it on his property due to the sloping of the property. An undesirable change will not be produced in the character of the neighborhood or to the nearby properties because the garage will not disrupt the neighborhood. There are other neighboring homes with garages in the front. The benefit sought by the applicant cannot be achieved by some feasible method as follows: The location of the drywell on the property. The lot tapers to create a flood situation. The requested variance is not substantial because there will still be approx. 20' in front of the property line. The proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood as there are other homes with garages in front of the homes and large utility buildings. The alleged difficulty was not self-created as the property has been sloped since before Mr. Casey purchased the property. The motion includes the following conditions: That the project is completed within one year April 2, 2020. The approval is based on the site plan showing garage doors will be on the side of the garage and not in the front facing the road.

Hal Cole stated that this was a Type II Action, therefore no SEQR is required.

Art Boyle second motion and all present board members approved.

Respectfully,

William Northwood, Chairman

TOWN OF CONKLIN

ZONING BOARD ATTENDANCE REGISTER

MONTH APRIL YEAR 2019

Boyle, A. 

Cole, H. 

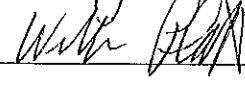
Einstein, E. 

Northwood, W. WMC Northwood

Pritchard, N. Norm Pritchard

Secretary Mary Plonski

Attorney Kegan J. Coughlin

Town Board Liaison 

Code Enforcement Officer 