

Town of Conklin Zoning Board of Appeals – July 14, 2020

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

ABSENT: Nick Pappas, Willie Platt

ATTORNEY: Keegan Coughlin

ALSO PRESENT: Mary Plonski, Secretary

VISITORS: none

7:08 P.M. Chairman Northwood called the meeting to order.

Chairman Northwood reviewed emergency procedures to all that were present.

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

Hal Cole motioned to approve the minutes of the December 3, 2019 minutes, **Art Boyle second**. All present board members approved.

Agenda item#1 Michael & Lorraine Welch
597 Pierce Creek Rd. Binghamton, NY 13903
Tax Map 193.01-1-24
Area Variance for 12'x22' Carport in front of house

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

Mrs. Welch explained that they wanted to have a carport 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. She explained that her husband has a bad back. She also has a bad back and issues with her shoulder. Cleaning off the car after a snow storm was getting hard because of their age and medical issues.

Chairman Northwood asked why the carport couldn't be off to one side of the house. Mr. Welch explained that one side was his waterline and the other side is the septic. Hal Cole commented that there was quite a slope that would have to be filled in. It's not at all level behind the house.

Chairman Northwood read into record the following correspondence:

1. Broome County Planning and Economic Development 239 comments dated 6/24/20.
2. Broome County DPW (Dept. of Public Works) comments dated 6/5/20.
3. Zoning Board Application dated 6/2/20.

Art Boyle stated that he felt there were a few different areas that needed to be addressed in the code. Article VII – Section 140-37A, 140-39A and #4 on the application for an area variance. Keegan Coughlin explained that #4 was part of the required 5 part balancing test. Liz Einstein commented that with an Area Variance not all of the questions need to be met (tested). Art agreed but felt they needed to be discussed.

Hal Cole asked for the dimensions from the front of carport to the front lot line. He also wanted the dimensions from the side of the carport to the right side of the boundary line. Mrs. Welch said the right side was 60' from the Slaters (neighbor on the right looking at house). The carport to the road is 38'.

Hal Cole asked when the house was built. The Welch's said 1992. The survey map they were looking at was from 1988. It could be that the house wasn't even built yet and some of the numbers may be skewed because of that. Hal asked where he came up with the 38'. Mr. Welch said he measured from the edge of the road. There was a discussion on how accurate the dimensions are.

Hal Cole asked if they had a conversation with their neighbors. The Welch's said they had and both neighbors were fine with the carport.

Hal Cole suggested possibly making one of the conditions that the carport is for a car only. That way we don't get into any kind of outside storage being placed in the carport area.

Mr. Welch mentioned that their artisan well has been very wet the past two years. There is no way of putting the carport on that side of the driveway. Hal asked if the shed could be moved. Mrs. Welch said it couldn't be moved because it was close to the sand filter.

Art Boyle felt that according to the drawing they could move the shed over and put the carport in between the house and the shed. Mrs. Welch said that they could not because that would put the shed on the sand filter.

Hal Cole commented that this is an area that is rural and the lots are much larger than some down in the town. There is less chance of the neighbors complaining since it is usually 150 ft. – 200 ft.

Hal Cole stated that there were no other carports or anything in the front yards of other neighbors on the street around that area. Art Boyle agreed and said that is why he questioned #4 "Will the variance have an adverse impact on the physical or environmental conditions in the neighborhood".

Liz Einstein didn't feel having the carport would have any negative impact on the neighborhood. She asked if the roof line was any taller than their existing home. The Welch's said no.

Hal Cole asked if the turnaround is going to stay where it is. The Welch's said yes the turnaround will stay where it is.

Chairman Northwood summarized that the shed could not be placed on another area of the lot.

Hale Cole asked if we needed a SEQR. Attorney Keegan Coughlin stated we did not need to because it is an Area Variance for a residential property.

Chairman Northwood asked for a motion.

Liz Einstein made a motion that we grant the application of Lorraine & Michael Welch for an area variance for property located at 597 Pierce Creek Rd. Binghamton, NY 13903, Tax Map number 193.01-1-24 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 carport cannot go anywhere else on the lot.

An undesirable change will not be produced in the character of the neighborhood or to nearby properties because of the care of the construction of the carport. The Welch's are having it stick built so it will fit in with the existing home.

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 of the care of construction of the new carport. The alleged difficulty was not self-created because of their layout of the well and the septic.

This motion includes the following conditions.

1. The carport is for the storage of a vehicle only.
2. Carport will be 24 ft. from front line of the house and approximately 60 ft. from right side property line.
3. Construction of carport as defined in application. Carport is never to be enclosed.
4. Construction to be completed within one year.

Liz Einstein stated that this was a Type 2 action, therefore no SEQR is required.

Hal Cole second motion.

Vote:

Liz Einstein	yes
Hale Cole	yes
Art Boyle	no
Bill Northwood	yes

Chairman Northwood asked Keegan Coughlin about any training. Keegan explained that due to Covid there isn't any training scheduled for the rest of this year. Any requirements for this year will be waived.

Chairman Northwood asked for a motion to adjourn.

Liz Einstein motioned to adjourn the meeting. Hal Cole second motion. All present board members approved.

Next Zoning Board Meeting will be held on Tuesday, August 4, 2020.

Northwood closed the meeting at 7:54 p.m.

*Respectfully Submitted,
Mary Plonski – Zoning Board Secretary*