

Meeting Minutes

Town of Binghamton Zoning Board of Appeals

Town of Binghamton Town Hall, 279 Park Ave., Binghamton, NY 13903

April 23, 2024 6:30 PM

The meeting was called to order at 6:33 PM by Theresa Taro.

Members Present:

Tom Bensley

Kevin Olds

Meggan Olds, Secretary/Processor

Bob Strick

Theresa Taro, Chairperson

Tim Cooper, Alternate

Gina Middleton, Attorney

Others present:

Krzystof Bronikowski, Applicant

Marta Bronikowski

Vicki Conklin, Town Board

Nick Pappas, Code Enforcement

Description of Public Hearing:

Mr. Pappas spoke on behalf of the Bronikowski's, explaining that their home on Park Ave. had burnt down. They plan to rebuild on a larger lot that they own behind the burnt home. They actually own 3 lots, which would be combined into one tax map parcel as part of the process if the variance is granted. The lot they wish to build on has 103 feet of road frontage; the town code requires 150 feet. The Bronikowski's are therefore requesting an area variance.

Attorney Middleton stated that the public hearing notice was posted properly.

Public Hearing:

Ms. Taro declared the hearing open at 6:36 PM, and Attorney Middleton asked if there were any residents or others who wished to speak. No one stepped forward. The board voted to close the meeting, with it ending at 6:37 PM.

Questions from the Board:

The floor was then opened to the board for questions.

- Mr. Olds asked if the home was going to be built on the lot where it is at the narrow 103-foot width, or if the home will be placed back on the property, where it widens. The home will not be within the 103-foot wide portion. It will be farther back.
- Mr. Strick asked if the three parcels will be combined into one and a new deed created. Mr. Pappas explained that this will be done, but is not finalized until the county completes the process.
- Attorney Middleton suggested that the board make this combination of the three lots into one a condition of the approval of the variance. Combining the lots will avoid the creation of a land locked parcel.

Area Variance Requirement Review by Attorney Middleton:

Attorney Middleton explained that there are 5 factors which must be considered when reviewing a request for an area variance, but not all 5 need to be found to grant the variance.

1. The variance will cause an undesirable change which is detrimental to the area properties or the character of the neighborhood). This is a residential area, and a residence is being built. There are therefore no concerns from the board.
2. The benefit of the variance can be achieved through an alternate plan. The benefit cannot be achieved through an alternate plan because there cannot be construction on the parcel without a variance. There are therefore no concerns from the board.
3. How substantial is the request? This request is considered substantial due to the road frontage requirement of 150 feet. The board does not see this as a concern.
4. What are the environmental impacts if the variance is granted? This is a residence, and the owner has already completed the Type 2 SEQR process with no issue. The board therefore does not see this as a concern.
5. Was the situation self-created? It was because the property was purchased already parceled this way, but the board has no concerns.

Motion:

A motion was made that this is a Type II action under SEWR, requiring no further SEQR review.

The motion was made by Kevin Olds, and was seconded by Bob Strick.

In favor - Kevin Olds, Tom Bensley, Bob Strick, Theresa Taro, Meggan Olds
Opposed - none
Abstain - none

Motion:

A motion was made that the area variance for 458 Park Ave. be granted to Kryzstof Bronikoski regarding approval of 103 feet of road frontage, with the following condition: the three parcels, 458 Park Ave. (tax map ID 192.01-2-12), 456 Private Road Rear (tax map ID 192.01-2-53), and 1768 Peckham Rd. (tax map ID 192.01-2-43.1) are combined into one lot and recorded as such in the deed.

The motion was made by Kevin Olds, and seconded by Tom Bensley.

Roll call vote:
Kevin Olds - approve
Tom Bensley - approve
Bob Strick - approve
Theresa Taro - approve
Meggan Olds - approve

Reminder:

Theresa Taro has a new sheet to record training hours. Please let her know of any courses you have taken this calendar year.

Adjournment:

Motion to adjourn was made by Kevin Olds, seconded by Tom Bensley.

All in favor

Meeting adjourned at 7:03 PM.

Respectfully submitted,
Meggan Olds, ZBA Secretary/Processor