

Meeting Minutes

Town of Binghamton Zoning Board of Appeals

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

December 30, 2024 6:30 PM

Members Present:

John Foley

Meggan Olds, Chairperson/Secretary/Processor

Kevin Olds

Pat Wagner

Tim Cooper, Alternate

Gina Middleton, Attorney

Others present:

Vicki Conklin, Town Board

Zach Soboleski, Code Enforcement

2 residents

1. The Special Meeting of the Zoning Board of Appeals was called to order at 6:30 PM by Meggan Olds.
2. Approval of [meeting minutes from 7/23/2024](#)
 - a. Motion by: Kevin Olds
 - b. Seconded: Meggan Olds
 - c. Vote: all in favor, no objections, no abstentions
3. Introduction of purpose by Attorney Middleton: hearing regarding an area variance for an R2 property at 1844 Woodworth Rd., Binghamton, NY 13903 to allow for the construction of a garage 2.5 feet from the adjoining property. Town of Binghamton building code states it must be a minimum of 5 feet distance from an accessory structure to the adjoining property line.
4. **Public Hearing:** opened by Meggan Olds 6:32 pm regarding the area variance application for 1844 Woodworth Rd., Binghamton, NY 13903, tax map number

176.19-3-7 by Thomas Diluzio. There being no public comment, the hearing was declared closed by Meggan Olds at 6:33 pm.

5. **Motion** by John Foley and seconded by Kevin Olds: The Town of Binghamton Zoning Board of Appeals declares itself the lead agency for purposes of SEQR review of the area variance application dated November 15, 2024 for property at 1844 Woodworth Rd., Binghamton, NY 13903, tax map number 176.19-3-7. Vote: 4 for, 0 opposed, 0 abstained
6. **Motion** by Pat Wagner and seconded by John Foley: The Town of Binghamton Zoning Board of Appeals declares the area variance application dated November 15, 2024 as a Type II action for purposes of the SEQR review requiring no further SEQR action. Vote: 4 for, 0 opposed, 0 abstained
7. Comments from the applicant: Thomas Diluzio spoke stating his request is due to the location of the current driveway, his well, and the steps into the home. There was brief discussion regarding amending the application to 2 feet, with the applicant choosing to keep the 2.5 foot request
8. Attorney Middleton: description of Town Code Statue: Chapter 240, Attachment II
9. Comments from Town Code Officer Zach Soboleski: none
10. Additional questions from the ZBA members: none
11. **Area Variance Requirement Review by Attorney Middleton and Discussion by Board:** 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.
 - a. *Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance.*
 - i. Board agrees it will not alter the character
 - b. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.*
 - i. The Board states that yes, it could, but it would require significant changes to the existing shed location/plan
 - c. *Whether the requested area variance is substantial.*
 - i. Change from 5 to 2.5 feet = 50% , The Board states this is substantial

- d. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*
 - i. Board agrees to an answer of no
- e. *Whether the alleged difficulty was self- created, which consideration shall be relevant to the decision of the board of appeals, but shall not necessarily preclude the granting of the area variance.*
 - i. Board agrees the answer is yes

12. **Motion** by Kevin Olds and seconded by John Foley: The Town of Binghamton Zoning Board of Appeals approves the area variance application dated November 15, 2024 for the property at 1844 Woodworth Rd, Binghamton, NY 13903 as requested. Roll Call Vote:

John Foley - Yes

Kevin Olds - Yes

Meggan Olds - Yes

Pat Wagner - Yes

13. **Adjournment:** Motion to adjourn was made by Kevin Olds, seconded by John Foley. All in favor

14. Meeting adjourned at 6:52 PM.

Next meeting Tuesday, 1/28/2025

Respectfully submitted,

Meggan Olds, ZBA Chairperson/Secretary/Processor