

Meeting Minutes

Town of Binghamton Zoning Board of Appeals

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

July 28, 2026 6:30 PM

Members Present:

John Foley

Kevin Olds

Meggan Olds, Chairperson/Secretary/Processor

Bob Strick

Pat Wagner

Gina Middleton, Attorney

Others present:

Vicki Conklin, Town Board liaison to the Zoning Board of Appeals

Nick Pappas, Code Enforcement

Zach Soboleski, Code Enforcement

Call to Order

- The meeting was called to order at 6:30 PM by Meggan Olds.

Approval of minutes from 4/28/2026 ZBA meeting. All in favor.

Legal corner training by Attorney Middleton: Meetings: procedures, findings, and documentation

Discussion: The ZBA and Planning Boards discussed where the Town is in regards to updates to the Town's solar law. Attorney Middleton is nearly complete with updates, and will be forwarding the updates for review to the Town, ZBA, and Planning Boards.

In addition, Attorney Middleton updated the Boards regarding the solar project on Powers Rd. There has been a request to change the direction of the solar panels, which poses questions regarding the Stormwater Pollution Prevention Plan. Attorney Middleton will be contacting Supervisor Rounds regarding updates.

Zoning Board of Appeals Public Hearing: 1519 Hawleyton Rd., Binghamton, NY 13903

- Meggan Olds declared the Public Hearing open at 7:02 PM.
- Attorney Middleton gave a description of the purpose of the public hearing for **1519 Hawleyton Rd., Binghamton, NY 13903**: The owner, James Wallens, has applied for an Area Variance to allow for

construction of a garage (secondary structure) to be placed closer to road than the front of the current house.

- Public Comment:
 - Mr. James Wallen, 1519 Hawleyton Rd., Binghamton, NY 13903 - Mr. Wallen was able to take accurate measurements following the ground drying. He also realized he had made an error in his previous measurements, but has now corrected this.
- There being no further public comment, Pat Wagner made a motion to close the public hearing, seconded by Kevin Olds, with the hearing ending at 7:05 PM. All in favor.

Attorney Middleton asked for a motion to declare this a Type II action under SEQR. The motion was made by Meggan Olds and seconded by Kevin Olds. All in favor.

Attorney Middleton reminded the Board that the ZBA is already declared the lead agency for the purpose of SEQR review due to our local law.

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.

1. *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.*
 - a. Discussion by Board - there is a large distance between properties and have other properties that have like structures
 - b. Response from Application - the garage will still be set back from the road. Additional trees will be planted to obscure the structure, and the color of the structure will also blend in (brown/green). A neighboring property on one side has a garage, and the other side is vacant - there is distance between the properties.
 - c. Determination of Board - there will not be undesirable change/detriment
2. *Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance.*
 - a. Discussion by Board - the home does not have any other existing garage and the slope of the land doesn't allow for other places for construction.
 - b. Response from Application - placing it elsewhere would require massive amounts of fill, or would require construction over the drainfield for the septic system or a naturally wet portion of land.
 - c. Determination of Board - there is not another method
3. *Whether the requested area variance is substantial.*
 - a. Discussion by Board - this is an 80-90% variance based upon the fact that the majority will be in front of the house
 - b. Response from Application - yes, it is substantial, although he has shifted his plan closer to the home to reduce the number of trees that will need to be cut down
 - c. Determination of Board - yes, is substantial
4. *Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.*

- a. Discussion by Board - the board does not believe there will be an adverse environmental or physical impact. The applicant has put a great deal of effort in assuring that runoff will continue to be captured in the current manor, and plans to increase vegetation on the property.
 - b. Response from Application - the infrastructure is already in place to manage stormwater and this will continue to meet the needs of the property
 - c. Determination of Board - no, there is not an adverse impact
5. *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.*
- a. Discussion by Board - home was already in place when purchased
 - b. Response from Application - property was purchased without a garage
 - c. Determination of Board - no, this is not self-created

Motion: The Town of Binghamton Zoning Board of Appeals approves the requested area variance by the applicant, Mr. James Wallen, for the construction of a garage in front of the home at 1519 Hawleyton Road, Binghamton, NY 13903.

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

Roll call vote:

John Foley - yes
Kevin Olds - yes
Meggan Olds - yes
Bob Strick - yes
Pat Wagner - yes

Reminders:

- Training log
- Next meeting date - discussion of moving date due to Attorney Middleton being unavailable. She will begin an email discussion of potential dates.

Adjournment:

Motion to adjourn was made by Kevin Olds, seconded by Pay Wagner.

All in favor

Meeting adjourned at 7:20 PM.

Respectfully submitted,
Meggan Olds, ZBA Chairperson/Secretary/Processor