

Summary of the Minutes
January 8, 2018 Regular Meeting
City of Binghamton Zoning Board of Appeals
City Council Chambers, City Hall

CALL TO ORDER

Chairman Donovan called the meeting to order at 5:15 pm.

ROLL CALL

Present: Cahill, Donovan, Landers
Absent: Appe (excused), Pelella (excused)
Staff Present: Berling, Konetchy, Martinez, O'Neill

APPROVAL OF MINUTES

Motion to approve the December 4, 2017 meeting minutes as written

Moved by Cahill, seconded by Landers

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

SEQR DETERMINATIONS

9 & 16 Emma St (2017-25)

Sarah Campbell, Esq. (Hinman, Howard and Kattell), representing the applicant Freewheelin ANSCO LLC, appeared to provide information on Area variances to (1) allow the provision of 20 bicycle parking spaces where 52 are required and for (2) to allow 5 exterior trees where 20 are required (3) for 0 interior trees where 16 are required as associated and for (4) lesser canopy coverage than is required as associated with a 78 space ancillary parking area, which is associated with a proposed mixed-use development with subgrade parking, ground floor commercial and light industrial uses, and 97 upper-story dwelling units. These properties are located within the I-2 Light and Medium Industrial District.

The representative reviewed the overall plans for the property. The applicant has requested rezoning from the City Council and has pending site plan review with the Planning Commission.

Motion to defer Lead Agency under SEQRA to the Planning Commission

Moved by Cahill, seconded by Landers

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

Motion to schedule a public hearing for the February 5th meeting

Moved by Landers, seconded by Cahill

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers
Nays: None

PUBLIC HEARINGS & DELIBERATIONS

61 Prospect Ave (2017-22)

Maggie Martin, representing the applicant Marchez LLC, appeared to provide information on an Area variances to provide 2 parking spaces where 8 are required for a 5-unit dwelling. This property is in the C-1 Service Commercial District

Motion that the ZBA is the lead agency in SEQOR review

Moved by Donovan, seconded by Landers

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

Motion that the action is Type I

Moved by Donovan, seconded by Landers

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

Motion issue a negative declaration under SEQOR

Moved by Donovan, seconded by Cahill

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

The board then moved onto deliberations. There should be no undesirable change in the neighborhood, as this should have little or no impact on parking availability. There does not appear to be any reasonable alternatives. The requested variance is not substantial as it is only 4 or 6 less parking spaces than would be required, which is mitigated by the provided parking lease of two parking spaces. There should be no effect on physical or environmental conditions. The alleged hardship is not self-created in that changes in zoning, throughout the applicant's ownership of the building, have caused this issue.

Motion to approve the requested variance

Moved by Donovan, seconded by Landers

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

25 Cohoes St (2017-23)

Kenneth Main appeared to provide information on an Area variance to allow a front setback of 0 feet where 30 feet is required as associated with an accessory structure in the R-1 Residential Single-unit Dwelling District.

The applicant noted that he began construction of the structure with permission of the building department, which then told him that he required no permits. The Zoning Officer notified him of the zoning issue.

The chairman then opened the public hearing. No one spoke in favor of the proposal. Robert Gavazzi read a letter from Chelsea Gavazzi spoke in opposition to the proposal. Nine letters in opposition to the proposal were received. The public hearing was then closed. Broome County Planning Department recommended denial of the application. A supermajority of 4 members would be required in order to grant the request.

Motion to close the public hearing

Moved by Donovan, seconded by Cahill

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

Chairman Donovan noted that the action is Type II under SEQRA and, as such, no environmental review is required.

The board then moved onto deliberations. There appears to be an undesirable change in the neighborhood, which is shown by the letters of opposition received from neighbors and by the photographs provided in the staff report. There may be reasonable alternatives such as alternative siting on the property. The requested variance of 30 feet is substantial. There should be no effect on physical or environmental conditions. The alleged hardship was not wholly self-created, in that the Building Department misled the applicant in not requiring any permits.

Motion to deny the requested variance

Moved by Donovan, seconded by Cahill

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

Zoning Board of Appeals members advised the applicant that the Zoning Officer will be in touch with the applicant. Furthermore, they urged the applicant to have a set plan to discuss with Planning and Building staff prior to commencing construction.

OTHER BUSINESS

- At the next meeting the Zoning Board of Appeals must vote for 2018 officers

ADJOURNMENT

Motion to adjourn.

Moved by Donovan, seconded by Landers

Motion carried (3-0-0)

Ayes: Cahill, Donovan, Landers

Nays: None

Meeting adjourned at 6:00 PM