

Summary of the Minutes
February 5, 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: S. Appe, D. Cahill, J.K. Donovan, P. Pelella

Absent: E. Landers (excused)

Staff Present: T. Konetchy, T. Martinez, S. McGee, R. Murphy, S. Sorkin

APPROVAL OF MINUTES

Motion to approve the January 8, 2018 meeting minutes as written

Moved by Appe, seconded by Cahill

Motion carried (2-0-2)

Ayes: Cahill, Donovan

Nays: None

Abstain: Appe, Pelella

SEQR DETERMINATIONS

7 Hawley St (2017-01)

Domenic Emilio and David Chase, of Clark Patterson Lee, and Robert Murphy, Executive Director of BURA, the property owner, representing the applicant PIKE Development, appeared to provide information on Area variances to Area variances to (1) allow the provision of 0 bicycle parking spaces where 60 spaces are required, (2) for a 3' rear setback where 20' is the minimum, (3) for 0 on-site loading spaces where 1 is the minimum, and (4) 95% lot coverage where 90% is the maximum in association with the construction of a 6-story public parking facility and 4-story mixed use building in the C-2 Downtown Business District.

The applicant was unaware of the bicycle parking requirement and orally amended their application including the provision of 15 bicycle parking spaces will be provided on the first floor of the parking garage.

Motion to defer Lead Agency under SEQRA to the Planning Commission

Moved by Appe, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

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

Moved by Cahill, seconded by Appe

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

PUBLIC HEARINGS & DELIBERATIONS

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 6 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 Planning Commission issued a negative declaration under SEQR at the January 16th regular meeting. The applicant proposes 15% canopy coverage for the ancillary parking lot.

The chairman then opened the public hearing. Robert Murphy, Director of Economic Development for the City, spoke favorably of the project. No one spoke in favor of the proposal. No one spoke in opposition to the proposal. No letters were received. The public hearing was then closed.

Motion to close the public hearing

Moved by Appe, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

The board then moved onto deliberations. The provision of lesser bicycle parking than required is reasonable and not substantial. The lack of trees as compared to the requirement is not undesirable, given that the applicant is proposing to plant 56 trees. The canopy coverage requirement is not undesirable, as previously mentioned there will be a large increase in trees as compared to existing conditions. The variances are not deemed substantial. The proposal involves a 30% decrease in impervious addresses the substantiality associated with the landscaping requirements. The attempt by the applicant to meet city requirements associated with the adaptive reuse of the existing building shows an effort that mitigates the substantiality of any requested variances. The hardship is, however, self-created.

Motion to approve the requested variances

Moved by Appe, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

63-65 Carroll St (2017-25)

Sarah Campbell, Esq. (Hinman, Howard and Kattell) and Jacob Von Mechow, representing the applicant Security Mutual, appeared to provide information on Area variances for (1) no bicycle parking spaces where 8 spaces are required, (2) lesser canopy coverage than the 50% required, (3) for 0 interior tree islands where 11 are required, (4) for 10 perimeter trees where 13 are required, and (5) for no 5' landscape buffers along the northern property line and for a partial buffer along Carroll Street where a buffer of 5' is required. These variances are associated with the construction of a 0.42 acre ancillary parking area with 50 parking spaces in the C-2 Downtown Business District.

An updated site plan was submitted. Additionally, 4 bicycle parking spaces will be installed in the parking garage. 10% canopy coverage will be provided.

The chairman then opened the public hearing. No one spoke in favor of the proposal. No one spoke in opposition to the proposal. No letters were received. The public hearing was then closed.

Motion that the ZBA is the lead agency in SEQR review

Moved by Appe, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

Motion that the action is unlisted

Moved by Appe, seconded by Pelella

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

Motion issue a negative declaration under SEQR

Moved by Appe, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

The board then moved onto deliberations.

Regarding the variance associated with bicycle racks, the variance was deemed not substantial based on the provision of 50% of the requirement off-site, the character of the neighborhood should be unaffected by the requested variance, and the hardship is self-created.

Regarding canopy coverage, the proposal may cause an undesirable change, however the previously installed lighting facilities renders it infeasible to install further landscaping. There may be reasonable alternatives, but that would reduce the number of parking spaces provided. The requested variance is substantial in nature, however a previous variance associated with 65 Carroll St was approved with 14% canopy coverage. The hardship is self-created but this factor is not outweighed by the other factors.

Regarding the lack of interior and exterior trees, the applicant made an effort to provide 14 trees which mitigated this factor and made it less undesirable and less substantial.

The five-foot landscape buffer appears to be provided in such a way that maximizes the utility of the parking area. The partial buffer along the southern property lines is necessary for traffic flow, and the attempts by the applicant to install landscaping mitigates the lack of meeting the requirements. The Zoning Board of Appeals was satisfied with the efforts by the applicant.

Motion to approve the requested variances as follows: to allow the provision of 4 bicycle parking spaces where 8 are required, for 14% coverage where 50% is required, for 11 exterior trees where 13 are required, and to allow lesser landscape buffers than are required as noted on the site plan submitted on 2/5/2018

Moved by Appe, seconded by Pelella

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

266 Main St (2017-26)

The applicant did not appear to provide information on a Use Variance to allow residential use on the ground floor, where ground floor residential use is prohibited, as associated with the establishment of a three-bedroom single-unit dwelling in an existing building in the C-1 Service Commercial District.

The chairman then opened the public hearing. No one spoke in favor of the proposal. No one spoke in opposition to the proposal. No letters were received. The public hearing was then closed.

Motion that the ZBA is the lead agency in SEQOR review

Moved by Donovan, seconded by Appe

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

Motion that the action is unlisted

Moved by Donovan, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

Motion to close the public hearing and table review to the next months meeting

Moved by Donovan, seconded by Appe

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

OTHER BUSINESS

- Susan Appe will be relocating to Albany in May, and therefore will only be a member of the ZBA until April. She will attempt to find a potential replacement.

2018 Officer Votes

Donovan as Chair

Moved by Pelella, seconded by Cahill

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

Landers as Vice-chair

Moved by Cahill, seconded by Pelella

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

ADJOURNMENT

Motion to adjourn.

Moved by Appe, seconded by Donovan

Motion carried (4-0-0)

Ayes: Appe, Cahill, Donovan, Pelella

Nays: None

Meeting adjourned at 6:45 PM