



City of Binghamton Planning Department

Mayor, Richard C. David
 Director, Dr. Juliet Berling

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: March 4, 2019	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Tim Konetchy

ROLL CALL		
ZONING BOARD OF APPEALS MEMBERS:	PRESENT	ABSENT
J. Kelly Donovan (chair)	X	
Ernest Landers	X	
David Cahill (vice-chair)	X	
Dorollo Nixon	X (arrived 5:20PM)	
Marina Resciniti	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Dr. Juliet Berling	Director, Planning Department	
Tito Martinez	Assistant Director, Planning Department	
Tim Konetchy	Planner, Planning Department	
Sharon Sorkin	Assistant Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the February 4, 2019 meeting minutes as written.		
FIRST: Donovan	SECOND: Landers	VOTE: Carried (3-0-1)
AYES: Donovan, Cahill, & Landers	NAY(S):	ABSTENTION(S): Resciniti

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 2 Mill St	CASE NUMBER: ZBA-2019-01
APPLICATION FOR: Area variance to allow the provision of 1 parking spaces where 8 are required as associated with the conversion of an existing residential building into a five-unit dwelling in the R-3 Multi-unit Dwelling District	
REPRESENTATIVE: Jianzhong Bronson (owner)	
DISCUSSION POINTS: <ul style="list-style-type: none"> ▪ The applicant noted that they have four families, totaling 13 persons, residing in the building. ▪ The board discussed the proposed use, being five residential units, versus the existing four and the potential effects that this change could have on parking in the neighborhood. It was ultimately determined that there would be little or no change. ▪ D. Nixon noted that, per the staff report, there is adequate on-street parking. 	
PUBLIC COMMENT: <ul style="list-style-type: none"> ▪ No one spoke in favor of or in opposition to the application. ▪ No letters received. 	
VOTING	
MOTION that the ZBA is lead agency in SEQR review and that the action is unlisted	
FIRST: Donovan	SECOND: Cahill VOTE: Carried unanimously (5-0-0)

MOTION to issue a negative declaration under SEQ. The Chairman noted that there is a conflict with the Zoning Ordinance, but that that is a small impact.		
FIRST: Donovan	SECOND: Nixon	VOTE: Carried unanimously (5-0-0)
DELIBERATION:		
<ol style="list-style-type: none"> 1. The Zoning Board of Appeals determined that the granting of the variance would not result in an undesirable change in the neighborhood because the overall occupancy (i.e. number of residents) is similar to existing tenancy and, as such, should have little or no effect on parking availability in the area. The ZBA also noted the adequate on-street parking in the area. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations there is not a reasonable alternative. The only alternative would be to require a portion of the building to be demolished in order to accommodate the required parking, which was deemed to be greatly unreasonable. 3. The Zoning Board of Appeals determined that the requested variance was substantial based upon the requested number of parking spaces as opposed to the requirement, but the ZBA noted that this is mitigated by the fact that the request essentially maintains the status-quo. 4. The Zoning Board of Appeals determined that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district. 5. The Zoning Board of Appeals determined that the alleged hardship was not self-created. The lot is set up in such a way that would not allow for any additional conforming parking spaces. <p>In sum, the ZBA determined that the benefit to the applicant greatly outweighed any detriment to the community.</p>		
MOTION to approve the requested variance, subject to the following condition:		
<ul style="list-style-type: none"> ▪ Submittal of an amended site plan that is drawn to-scale and depicts the correct location of the existing parking space. 		
FIRST: Cahill	SECOND: Nixon	VOTE: Carried unanimously (5-0-0)
Motion to recuse D. Nixon from review of 1290 Vestal Ave, due to a professional conflict.		
<i>D. Nixon exited the meeting at this time.</i>		
FIRST: Cahill	SECOND: Resciniti	VOTE: Carried unanimously (4-0-1)
AYES: Cahill, Donovan, Landers, Resciniti	NAYS: None	ABSTAIN: Nixon
ADDRESS: 1290 Vestal Ave		CASE NUMBER: ZBA-2019-03
APPLICATION FOR:		
Area variance to allow a side setback of 6.1 feet where 10 feet is required and for a total side setback of 13.6 feet where 25 feet is required as associated with the modification of existing property boundaries. This property is located in the R-3 Multi-unit Dwelling District		
REPRESENTATIVE: Paul Koertz		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ The representative, Paul Koertz, stated that the owner of 1188 Vestal Ave (a church) wants to adjust property lines so that the lot that the church is on obtains a driveway that is currently on the lot known as 1290 Vestal Ave, which is also owned by the church. 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ No one spoke in favor of or in opposition to the application. ▪ No letters received. 		
VOTING		
The Chairman stated that the ZBA is lead agency in SEQ. review and that the action is Type II		
DELIBERATION:		
<ol style="list-style-type: none"> 1. The Zoning Board of Appeals determined that the granting of the variance would not result in an undesirable change in the neighborhood because there should be no effect. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. Any alternative of modifying existing lot lines would not comply with current zoning regulations and would thus require different area variances. 		

3. The Zoning Board of Appeals determined that the requested variance was substantial based on the requirement as opposed to the proposed,
 4. The Zoning Board of Appeals determined that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
 5. The Zoning Board of Appeals determined that the alleged hardship was not self-created.
- In sum, the benefit to the applicant outweighs any detriment associated with the requested variance as there should be no change in the area due to the granting of the variances.

MOTION to approve the requested variance		
FIRST: Cahill	SECOND: Resciniti	VOTE: Carried unanimously (4-0-0)

OTHER BUSINESS

- Status of 93-97 Robinson Street: going to trial in April in order to allow the applicant to subpoena the NYSDEC.
- Welcome new ZBA member: Marina Resciniti

ADJOURNMENT

MOTION to adjourn		TIME: 5:55PM
FIRST: Donovan	SECOND: Landers	VOTE: Carried unanimously (4-0-0)