



City of Binghamton Planning Department

| SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS | |
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| MEETING DATE: December 12, 2023 | LOCATION: City Council Chambers, City Hall |
| CALLED TO ORDER: 5:15PM | RECORDER OF MINUTES: Shalin Patel |

| ROLL CALL | | |
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| ZONING BOARD OF APPEALS MEMBERS: | PRESENT | ABSENT |
| J. Kelly Donovan (Chair) | X | |
| Susan Bucci | X | |
| John Matzo (Vice-chair) | X | |
| Ernest Landers | X | |
| Marina Resciniti | X | |
| STAFF MEMBERS PRESENT: | TITLE & DEPARTMENT: | |
| Tito Martinez | Assistant Director, Planning Department | |
| Shalin Patel | Planner, Planning Department | |
| Greg Buell | Zoning Officer, Planning Department | |

| APPROVAL OF MINUTES | | |
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| MOTION to approve the November 14, 2023 meeting minutes as written. | | |
| FIRST: Matzo | SECOND Bucci | VOTE: Carried (5-0-0) |
| AYE(S): Bucci, Donovan, Matzo, Resciniti, Landers | NAY(S): | ABSTENTION(S): |

| PUBLIC HEARINGS & FINAL DELIBERATIONS | |
|--|----------------------------------|
| ADDRESS: 32 North St | CASE NUMBER: ZBA-2023-189 |
| APPLICATION FOR: Area Variance to construct an 864ft ² garage where 676ft ² is the maximum allowed in the R-3 Multi Unit Dwelling District | |
| REPRESENTATIVE(S): Alexander Conti | |
| DISCUSSION POINTS: | |
| <ul style="list-style-type: none"> ▪ 3 car garage, in the historical style that compliments the house ▪ Will be located on a double lot; there is no plumbing but will have electricity in it ▪ 2 car garage is not enough, hence needing a variance for a bigger garage ▪ Board member (Resciniti) asked if there are any 3-bay garages in the city of Binghamton? <ul style="list-style-type: none"> ▪ Applicant (Conti) replied, there are a number of garages in the area are 3 bay, one that is 5 bay even. ▪ Vice-chair (Matzo) commented, although the garage is 188 square feet over the allowable area; looking at the drawings, the garage will fit right in with the character of the building and the neighborhood | |
| PUBLIC COMMENT: | |
| <ul style="list-style-type: none"> ▪ No one spoke in favor nor in opposition of the project ▪ No letters were received in the mail | |
| VOTING | |
| The applicant's proposal involves an area variance for a two-family residence, which is a SEQR Type II action per 6-NYCRR 617.5.A. CITE #. No further environmental review is required. | |
| MOTION to OPEN the public hearing. Meeting opened at 5:21 PM. | |

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| FIRST: Donovan | SECOND: Matzo | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |
| MOTION to CLOSE the public hearing. Meeting closed at 5:22 PM. | | |
| FIRST: Donovan | SECOND: Bucci | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |
| DELIBERATION: <p style="text-align: center;"><i>-FOR AREA VARIANCES-</i></p> <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 it is about 20% larger than what is allowable, which is not a drastic footprint over what is allowable. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The applicant looked at a 2-car garage plan, but it did not give them sufficient space they were looking for to store up to 3 vehicles. 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on a comparison to much larger (4 to 5 bay) garages. 188 square feet of area over the allowable area does not present it to be a substantial request for the specific area on the west side of Binghamton. 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. It would be almost unrecognizable to anyone other than applicant who has extra space on their property. 5. The Zoning Board of Appeals determined that the alleged hardship was self-created because it was a volunteered choice of the applicant to build a garage on their property. | | |
| MOTION to APPROVE the requested area variance to construct an 864ft ² garage where 676ft ² is the maximum allowed in the R-3 Multi Unit Dwelling District | | |
| FIRST: Matzo | SECOND: Bucci | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |

| PUBLIC HEARINGS & FINAL DELIBERATIONS | |
|--|----------------------------------|
| ADDRESS: 10 Johnson Ave | CASE NUMBER: ZBA-2023-180 |
| APPLICATION FOR: Appeal of Zoning Officer Determination for a group of 3 unrelated individuals that do not meet the criteria for a family or the functional and factual equivalent of a family in the R-1 Residential Single Unit Dwelling District | |
| REPRESENTATIVE(S): Mark Liscia (Homeowner) | |
| DISCUSSION POINTS: <ul style="list-style-type: none"> ▪ Owners (Mark and Cassandra Liscia) have been renting properties in the city of Binghamton for 16 years <ul style="list-style-type: none"> ▪ Properties are rented to students, non-students, families, professionals, people receiving governmental assistance ▪ Over 50 properties rented out in the R-1 and R-2 zones to 100s of students ▪ It was determined that tenants (students) living at 10 Johnson Ave were not considered to be equivalent of a “family” ▪ This house has 2 units – each unit has 3 bedrooms consisting of no more than 3 tenants per unit ▪ Leases for the units were made before the Zoning change was officially adopted last year ▪ This is not a case of a rooming house, each unit signs one lease – tenants have to share the cost of the utilities, rent, and other household expenses ▪ 10 Johnson Ave property was purchased in 2015, have had students occupy this house for last 6 years – there have not been major issues at this house other than street parking, leaves, etc. ▪ Group A: Unit on the right side: | |

- All of these 3 people have their own jobs in the community, own some of their own kitchen appliances and furniture. As mentioned earlier, they share costs of utilities, household expenses, and other costs that may arise (that is not a part of the lease).
 1. Share of whole unit – no rooming house
 2. Stability of house – there are no minor children, sharing of all the costs as mentioned above is shared by all the tenants of the unit
 3. Addresses for votes, driver’s license registration – that is not presented/available at the moment (from/by) the applicant
 4. Common ownership of furniture/appliances – all of the tenants share ownership some furniture/appliances
 5. Enrollment of children in schools – not applicable to the tenants
 6. Employment of household within 100 miles of city of Binghamton – all 3 residents have local jobs
 7. Proof of household living together for a year or more – all 3 have been living together for 4 years together and 2 of the 3 have been living together for 5 years total (2 of them have lived together for 5 years, one of which is graduating in a week, and another will be graduating next year in June, the third one graduated last year).
 8. Any other factor reasonably related to whether or not the group or person to functional equivalent of a family – there is not additional information about it, could get additional information to present it to the board if needed for clarity.
 - Group B: Unit on the left side – 3 students who have lived together for going on to 4th year (2nd year at this particular unit).
 1. Occupant do share the entire dwelling unit
 2. Stability of house – there are no minor children in the unit, they share all of the expenses among themselves
 3. There is no proof of permanent addresses available at this moment, but could be acquired from tenants
 4. Tenants do share a common ownership of furniture and appliances
 5. Enrollment of children in schools – not applicant to the tenants because there are no minor children living in the unit
 6. Employment in the city of Binghamton – only 1 of 3 tenants works locally in the city of Binghamton
 7. Proof of household living together for a year or more – all 3 tenants have been living together for 4 years, but 2nd year in this particular unit
 8. No other information is available at the moment but can be provided per request.
 - **Commissioners (Bucci and Resciniti) asked**, do either of the two units come with furniture/appliances? What type of furniture is provided?
 - **Applicant (Liscia) replied**, we do provide some furniture as well as appliances, but the tenants do bring additional furniture/appliances of their own as well. Beds, dressers, desks, and a couch are provided. The particular tenants at these units had their owns beds, so some of the beds were removed. Some kitchen appliances such as a microwave is something that the tenants brought on their own, but others such as a refrigerator, a stove, dishwasher are provided as is the case with any standard rental.
 - **Commissioner (Bucci) asked** if the tenants live in the units for all 12 months a year.
 - **Applicant (Liscia) replied**, the lease is signed for 12 months, but its not checked upon 100% of the time whether students live at these units during summer months or not. One of the students in Unit A has a job since May (when she graduated), so she has spent time at the unit for a longer period of time compared to others.
 - **Applicant (Mark Liscia) commented**, he is looking for more clarity in terms of student housing in the R-1 and R-2 zoning districts. Is one student allowed there? If they are a graduate student, are they allowed? Are two students allowed to live there as roommates? Has the city of Binghamton just gone and said that there

are no roommates allowed in the R-1 and R-2 zones, if one happens to take classes at Binghamton University?

- **Staff (Martinez) commented**, the only thing that has changed from the past regarding family in terms of the zoning laws is its definition. At least since 2006, the Zoning Code has said that in the Residential Districts, all dwelling units have to be occupied by a family or a functional equivalent of a family. The new amendment added clarity to the definition, for enforcement purposes. When there are 4 or more college students residing in a unit, there is a presumption that they are not a family, so it helps with fast tracking the enforcement process. 4 or more students makes it easier to prosecute, that does not mean that a group of 3 or more unrelated student/non-students meet the definition of a family.

PUBLIC COMMENT: Meeting was opened at 5:43 PM – it was not closed at the conclusion of the meeting

- **12 letters received in opposition (copies can be obtained from the Planning Department upon request)**
- **Russ Maines (Attorney representing the applicant) spoke in favor of the project.** Mr. Maines had following to say about the project: two leases for both 10 Johnson Ave and 18 Murray St homes were signed when the current student housing law went into effect (one being signed in September and another in October of 2022). Just wants a limited decision that would preserve the status quo. It is a much different situation presently compared to the situation once the lease is over, when new and potentially different tenants are going to be occupying the space. At 18 Murray St, one of the students is going to graduate and there will be no replacement, so there will be a little bit of attrition.
- **PJ Daly (resident of Johnson Ave) spoke in opposition of the project.** Ms. Daly had following to say about the project: this type of situation is a great concern because it reduces housing for families – there are loads of people who cannot afford housing in this community because students are able to pay by bedroom and pay more than families are able to. Until 2015, this home (referring to 10 Johnson Ave) was a family home where people raised their children, then it turned into a student rental. This law is an inconvenience for the homeowners, but when the law was passed and anytime there were students in a house and the lease was finished that they would not be allowed to re-rent to students. If the board makes a decision to let the current students live there for time being, what about next time? Johnson Ave is a street of many two-family homes, raising children and others, plus the students living here are considered to be outside its designated districts.
- **Steve Seepersaud (resident on Beethoven Street) spoke in opposition of the project.** Mr. Seepersaud had following to say about the project: involved in a similar situation in 2010, where there were a group of students living together at 15 Beethoven Street and had issues ranging from noise, parking, cleanliness, parties, etc. After learning about the zoning code and legalities of certain uses, filed a complaint to the city, a code officer came out and ruled that the property was in violation. Later it was determined that the group of students living at the aforementioned address were not a functional family. If you are living with your family, you can typically go into each other's rooms and whatnot, but if you are living with other students (not a family), you generally do not go into other students' room(s), unless you have appropriate relationship with each other. There are a lot of similarities among what was at Beethoven St and this case; students voter registration was from Downstate, to which they returned to after graduating or while on break, nobody had vehicles registered to the property and they were not permanent residents. The owner was forced to rent it to families and now the home is owner occupied, and there have been no issues since, the neighbor fits in nicely with the neighborhood.
- **Steve Casmer (resident of Bennett Avenue) spoke in opposition of the project.** Mr. Casmer had following to say about the project: moved to the Bennett Ave neighborhood because it a nice, city neighborhood. While walking his dogs couple blocks down the road, he notices there are cars everywhere, garbage on the street. Some students are good, some are bad. Chose to live in the district it was zoned for, and the law is in place, so it should be enforced. It is a slipper slope, because if you let one in, it sets a precedent and then there will be more students who come in with similar criteria.
- **Jack Cahill spoke in opposition of the project.** Mr. Cahill had following to say about the project: all the housing units are bought at a low price (for student housing) and assessment prices on these properties are never raised, which is a catastrophe for the taxpayers of city of Binghamton. Zones occupying student

housing should be reassessed immediately. For ex: a funeral home in the city of Binghamton was bought for \$455k, purchaser made 21 units on the space and sold it for \$1.8 million approximately. The new assessment for the property is deemed at \$215k, instead of it being assessed for \$1.2 million at the minimum (giving them a break with equalization rate).

- **Colton E (resident of Westside of Binghamton) spoke in opposition of the project.** Mr. Colton had following to say about the project: main issue is about keeping neighborhood integrity. Most of the frustration from residents come from seeing pockets of riff raffs, rundown neighborhoods rented out to students, or section 8 housing – which all takes away from what Binghamton once used to be, a city with beautiful, quiet neighborhoods. Johnson Ave and surrounding area is little slice of urban living that has been preserved and families are living in it presently that they care about. Letting students slip into these areas is leaving a door open for deterioration of this neighborhood. There is a clear line of where student housing ends – Leroy and Chapin Streets and where family living begins. Homes on St. Johns Ave are destroyed in terms of looks from what they used to be, because they have been converted into student housing over the years.
- **Michelle Swan (resident at 20 Johnson Ave) spoke in opposition of the project.** Ms. Swan had following to say about the project: if the approval for this projects goes through, the Johnson Ave neighborhood that is currently in the Abel Bennett Historic District will no longer be in that district. Santa Con caused extra traffic delay, no respect from students, everyone being entitled, there was no police presence – it bled up to Front and Leroy St. Every time there is a building that is not owner occupied, it tends to get neglected, if a railing breaks on the porch, it is not replaced with exact material according to Historical guidelines, like it should have been if the property were in a Historical area – instead it is pressure treated.
- **Nick (resident at 9 Oak St) spoke in opposition of the project.** Mr. Nick had following to say about the project: there is a reason for the zoning laws, as they were updated a year ago. The district (R-3 Multi-Unit Dwelling) has already been expanded, so it does not need to be expanded any further. The upkeep of this and the 18 Murray St properties have not been great. It has been discussed that if the enrollment in Horrace Mann Elementary school does not continue to hit certain number, it will have to close. Unfortunately, this is one of the side effects of zoning changes and reshuffle of the zones. They are not asking for their tenants to be grandfathered in for an extra year, they are asking for a full reprieve, which does not make sense per the law. There is no real benefit to the community.
- **Diane Durgen (mother lives at 4 Mallard Ave) spoke in opposition of the project.** Ms. Durgen had following to say about the project: the parking situation on Johnson Street is very bad. There are approximately 6 people using a number of cars to park on the street between Chestnut St and Mallard Ave, with the local neighbors already occupying additional space on the street. In the summertime, there are children everywhere on the street along with people walking their dogs, meanwhile there are so many cars speeding past the stop signs causing a safety issue, which never used to happen.
- **Susan Zalenski (resident at 12 Johnson Ave) spoke in opposition of the project.** The Zalenski’s had following to say: the duplex at 10 Johnson used to be owner occupied then the owner sold it and it was turned into student housing. The parking is horrendous, there is a possibility of having 6 cars from 6 students living in the duplex. They cannot use the full driveway, because there is a bowed window parting onto part of the driveway making it narrow and the detached garage in the back is unusable and reserved by the owner of the house. The property is not taken care of well, leaves sat in backyard for months, few trees that were chopped down still remain in the driveway. The front porch is falling down and does not appear safe. None of the students from the two units are related, they are all from NYC.
- **Cassandra Liscia (Co-owner of 10 Johnson Ave) spoke in favor of the project.** Ms. Liscia had following to say: not in argument to say that the student tenants are related, just following the law: “four or more unrelated people do not meet the functional family equivalent.” Appearing in front of the ZBA to appeal to allow 3 unrelated individuals to live together in R-1 Zoning District. “My husband and I feel the students’ tenants at 10 Johnson Ave meet the requirements for a functional family.” In terms of the aesthetics, complaints about leaves have been addressed, there were no other complaints brought to the office or the staff. Company has a full-time office and maintenance staff, so it is likely for the owners not to be present on site at the house. These tenants contribute to the integrity of the neighborhood, and they do meet the

requirements to be a functional family and would like them to finish out the school year.

- **Margaret Smith (resident at 19 Vincent St) spoke on the amendment and zoning change.** Ms. Smith had following to say: how was the criteria for the determination of a functional family chosen and implemented? Who came up with the definition? The criteria of sharing expenses do not make sense, because children living on campus in the dorms might prepare, share, consumer food, it does not mean they are a family of the University. Inmates in prison share cells, dining area, sometimes prepare food together, it does not mean they are a functional family. When it comes to functional family, it may be thought as, are the people dependents, will they be a part of tax returns of the head of the house, etc. Are the students dependent on each other or related? (No).

VOTING

The applicant's proposal involves the interpretation of a determination made by the Zoning Officer, which is a SEQR Type II action per 6-NYCRR 617.5.A.(37). No further environmental review is required.

The Public Meeting was kept open through until next meeting, which was scheduled for January 9th, but later re-scheduled to February 13th, 2024.

MOTION to OPEN the public hearing. Meeting opened at 5:43 PM.

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| FIRST: Donovan | SECOND: Matzo | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |

MOTION to TABLE the project until January ZBA meeting

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| FIRST: Matzo | SECOND: Bucci | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |

PUBLIC HEARINGS & FINAL DELIBERATIONS

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|------------------------------|----------------------------------|
| ADDRESS: 18 Murray St | CASE NUMBER: ZBA-2023-190 |
|------------------------------|----------------------------------|

APPLICATION FOR: Appeal of Zoning Officer Determination for a group of 3 unrelated individuals that do not meet the criteria for a family or the functional and factual equivalent of a family in the R-1 Residential Single Unit Dwelling District

REPRESENTATIVE(S): Mark Liscia (Homeowner)

DISCUSSION POINTS:

- Applicant(s) stated, they are not asking the board to allow this change to be permanent or be grandfathered in to rent the units to students at the mentioned locations in question. The applicants are only asking to let the current students finish out the leases that were signed before the changes to the Zoning Code took place.
- Similar application and know abouts as 10 Johnson Ave application
- Property was purchased in 2019 along with 16 Murray St (rented to families). Both properties have been rented to students since the year 2000, for nearly 23 years.
- The neighbors have the owner's contact information to inform them about any issues/problems that may arise in regard to 18 Murray St.
- Exterior portion of the house was repainted past summer in 2023 (after a neighbor submitted a complaint). Also have received complaint or two about grass being too long and have gotten it mowed the next day.
- Would like an equal enforcement across the R-1 and R-2 for all landlords housing students in their properties. No one else has appeared in front of the Zoning Board.
- Representative (Liscia) furthermore wanted to know what is allowed and not allowed in the city? Are roommates not allowed in Binghamton in R-1 and R-2 zones? Are two nurses not allowed to live at Murray St or Johnson Ave, if one of them takes night classes?
- At 18 Murray St:
 - 3rd year living together as a group residing at abovementioned address
 - 1 resident works locally, they brought their own furniture and some of the appliances

- They share rent costs along with utilities and other house costs
- They also share in preparation, storage, and consumption of food
- One of the student is traveling abroad in the Spring – are they allowed to sublet their room? Are they allowed to live there? So, there will only be two residents living in the property, are they allowed to add a third?
- At 12 Vincent St:
 - All 3 students are working locally, and this is their first year living together
 - They brought in some kitchen appliances of their own and do share rent costs along with utilities and other costs that may incur.
 - They too share in preparation, consumption, and storage of food
- Board member (Matzo) asked about the length of the leases
 - Representative (Liscia) replied, leases for both Murray St and Johnson Ave properties expire at end of May
- Staff (Martinez) commented, if any of these groups are found to be an equivalent of a family, they can renew their lease, as they meet the code requirements. If a group is found to not meet the definition of a family, then it gets elevated to a court process (given length of the process, that any of these groups will be out on the street before their lease is up).

PUBLIC COMMENT:

- **7 letters received in opposition (copies can be obtained from the Planning Department upon request)**
- **Alexander Conti (resident at 32 North St) spoke in opposition of the project.** Mr. Conti had following to share. Recently purchased 7 Oak St, which is somewhat behind 18 Murray St. Reason for purchasing a property in the R-1 Zoning District was because properties in that district should be owner occupied and properties should not be possessing 3 or more unrelated individuals. There are other areas in the city where this usage is allowed, yet we still have a challenge at hand in respect to this application going for student housing in the R-1 Zone. Has lived in the R-3 Zones for a decade (on Chapin and North St), the neighborhood back in the 90s took a turn for the worst. Houses that were once owner occupied began to get sold to people that did not care to properly take care and maintain the properties (absentee landlords). North of Main St is the way it is now because of these changes. Mr. Conti does not want the similar atmosphere as seen on North St and direct surrounding streets to happen to the R-1 District. Looking at City Charter, it says you cannot lease a bedroom (referencing Mark Liscia’s comment about potential subletting of a room in Spring).
- **Mark Whalen (resident at 8 Chapin St) spoke in opposition of the project.** Mr. Whalen had following to share. Purchased 8 Chapin St 5 years ago and ever since then has experienced disorderly conduct from neighbors who are absentee landlords. One landlord bought a huge house by the river and opened up an illegal boarding house. Another landlord bought a house, put money into it to renovate it nicely, but then turned it into an illegal Airbnb. The neighborhood has lost a lot of the younger generation of families to the suburbs, mostly older generation (refers to his age) of people left in these zones. Is a landlord himself (owns [5] two-bedroom properties), has rented to students (2 students in a 3-bedroom unit, who abused their rules and privileges and were forced to move out from the house). The city should be looking at increasing the assessment of properties bought and renovated. At the end of the lease, does the landlord intend to only keep 2 individuals, less than 3 unrelated individuals in the unit?
- **Barry spoke in opposition of the project. Unable to hear or make out most of what he exactly said, as he did not speak into the microphone directly, so most of it was not picked up in the recording.** He said a lot of things has changed throughout 50 years of living in the city of Binghamton, how the residents take a great pride and ownership in maintaining the properties. There was an area of housing that was given citations in the Summer, for garbage, not mowing the lawn, exterior façade appearance. The city designated this area to be R-1 Residential Single Unite Dwelling, what the city did not plan was landlords buying up these houses and converting them into rentals. These students will go home, which will constitute as living with family, not living as unrelated individuals in an apartment. There are other types of houses that permit this kind of usage that are not in R-1 Zoning District. By not following the legal definition of a family, the city is changing the makeup of the neighborhood.

- **Amanda Jesenof (resident at 9 Oak St) spoke in opposition of the project.** Ms. Jesenof had following to share. One of the main reasons for choosing to live in this neighborhood is because it is a family neighborhood. Students are trying to build their own communities, on campus, in various clubs, and sports. It is great to have students here to help boost local economy and to help bring great businesses and restaurants. But students are not invested into the community for a long term, most of them do not stay beyond their 4-year period at the University, while we are trying to put down deep roots, which is what the R-1 districts are trying to protect. If the board were to grant this exemption (referencing to Barry), what is going to stop other landlords from continuing to rent to students and just say “can we please let them finish out rest of their lease?” There is no shortage of student housing here, there can be an appropriate timeline found that would get student currently living in these homes into more appropriately designated student housing. Their landlord surely has some connections to other landlords and/or management companies that have space for these students. Meanwhile these houses could be rented out to families.
- **Lily (student resident at 18 Murray St) spoke in favor of the project.** Lily shared the following: she is worried about being evicted before the school year is over (lease concludes end of May). Not arguing that the students living at 18 Murray St classify as a family. Referring back to some comments, “I do live in Manhattan, because my dad moved in 1971 from Kentucky to Manhattan and have been living in the same rent stabilized apartment since then.” Lives right beside Columbia University and has seen the area change. It is sad to see local businesses getting replaced by chain stores like lulu lemon, sweet green, and Starbucks, all on one street. “I love 18 Murray St; it is a beautiful 1892 Victorian home that my roommates and I try to decorate and take care of as best as we can.” There have never been a party at 18 Murray, are respectful to the neighborhood, and have no cars, so there are no parking issues. Next door neighbors have been very welcoming. It is asked to please let the students finish rest of the school year without having to get evicted and find housing last minute. All of the roommates share all expenses together, including raising a cat.
- **Russ Maines (Attorney representing the applicant) spoke in favor of the project.** Mr. Maines had following to say about the project: there is a lot of history into the definition of a family. The zoning regulations at the time were designed to keep out people unrelated by blood or marriage in certain districts. Courts said it was unconstitutional, so cities had to adapt and form their own guidelines, “we want people living in a family neighborhood to act like families.” What all the residents are saying is, they do not want loud parties, do not want people running stop signs, instead they want their children to be safe. The current owners of these properties are trying very hard to be good neighbors, if people feel otherwise, the Liscia’s need to do better on their part, and they can. There is breach of contract clause that states local municipalities cannot interfere with contracts. If the leases were signed before the change in zoning took place, the current landlord cannot be prosecuted for it.
- **Teresa Rennia (resident at 5 Chapin St) spoke in a neutral manner about the project. Had some points for the project, while also in opposition to it.** Ms. Rennia had following to share; the Liscia’s are great landlords who are responsible and responsive to raised concerns about situations. The R-1 neighborhood needs to be preserved as a R-1 neighborhood, for a variety of reasons. Other properties on the West side have had zoning investigations where they look at car insurance/registration, voter registration, are there locks on the bedroom doors, etc. When this legislation was changed last year, it was not clarified from a stronger position. In this district, there have already been at least 2 Airbnb(s), a full-on rooming house (8-11 people living in it at any given moment, they share locks on every room door, share a kitchen, etc.) whom have never been to the Zoning Board for approval. No one is sure whether what the Liscia’s are doing is illegal, or it is legal non-conforming. Housing is a big issue in the city – many families are struggling to find housing and student housing is a cash cow, hence why many people are turning their homes into that type of housing. 18 Murray and 12 Vincent does not have a driveway, and the students mentioned they do not have a car, yet there are so many more cars parked on both streets.
- **Casandra Liscia (Co-owner of 18 Murray St) commented, there have not been one complaint/opposition comment in this meeting about our student tenants.** Would like a clarification as to can we rent to two students in these properties? 2 people on each side of the property, who are unrelated? There needs to be an equal enforcement across the board.

- **Margaret Smith (resident at 19 Vincent St) spoke in opposition of the project.** Ms. Smith had following comments: enforcement let alone discovery of student housing in neighborhoods is difficult. “I suggested using license plates as a mechanism to make it easier.” People parking on Vincent St are not always respectful; there are about 6 cars parked on a block during certain time of the day. There have been days where the police have been called due to parties, dealing with same issues as the West side neighborhood. The current owners said they have been excellent landlords for past 3 years, yet parts of 18 Murray and Vincent St need exterior work – shingles missing, areas of rot, etc., that has never been completed. The owners have never done anything voluntarily to improve/enhance their property(s), it has always been due to complaint driven by neighbors. No one sitting in this room wants any of the children or young professionals evicted, that is not our goal, we want them to finish their lease and not worry about it. But it is a hope that these landlords can not have them come back or find 3 more new unrelated individuals to come forward to occupy the space.
- **Steve Seepersaud (resident at 13 Beethoven St) commented,** this case is no different than any of the previously mentioned cases before (referencing about a student housing he mentioned in his initial comment). The burden of proof is on the students, as they must make the assertion that they are a functional family, it is not on the neighbors. **A lot of assumptions go about meetings like this where people assume the West side residents hate students, it is not about that, we just want to preserve the character of the neighborhood.** Had a similar issue with 3 unrelated working professionals at 22 Beethoven St where everything was going smooth until a Halloween night party, which was terrible (someone was urinating outside in the open; cops were called, and party was shut down). “Home across from my home is owner occupied now and is very stable and it is exactly the model of the R-1 that we are meant to have.”

VOTING

The applicant's proposal involves the interpretation of a determination made by the Zoning Officer, which is a SEQR Type II action per 6-NYCRR 617.5.A.(37). No further environmental review is required.

MOTION to OPEN the public hearing. Meeting opened at 6:35 PM.

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| FIRST: Donovan | SECOND: Matzo | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |

The Public Meeting was left open through until next meeting, which was scheduled for January 9th, but later re-scheduled to February 13th, 2024.

MOTION to TABLE the project until January ZBA meeting

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| FIRST: Matzo | SECOND: Bucci | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |

ADJOURNMENT

| | | |
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| MOTION to adjourn | | TIME: |
| FIRST: Donovan | SECOND: Matzo | VOTE: Carried (5-0-0) |
| AYE(S): Matzo, Bucci, Donovan, Landers, Resciniti | NAY(S): | ABSTENTION(S): |