



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: July 6, 2020	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Obed Varughese

ROLL CALL		
ZONING BOARD OF APPEALS MEMBERS:	PRESENT	ABSENT
J. Kelly Donovan (chair)	X	
David Cahill (vice-chair)	X	
John Matzo	X	
Dorollo Nixon	X	
Marina Resciniti	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Dr. Juliet Berling	Director, Planning Department	
Tito Martinez	Assistant Director, Planning Department	
Obed Varughese	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Sean McGee	Historic Planner, Planning Department	
Sharon Sorkin	Assistant Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the June 1, 2020 meeting minutes as written.		
FIRST: Cahill	SECOND: Nixon	VOTE: Carried (5-0-0)

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 225-229 State St	CASE NUMBER: ZBA-2020-03
APPLICATION FOR: Area Variance to allow 0' of commercial space along a portion of the ground floor façade of a building, where 30' of commercial space is required, in association with the conversion of a portion of the ground floor into dwelling units. The project is in the C-2 Downtown Business District	
REPRESENTATIVE(S): Ken Gay	
DISCUSSION POINTS: <ul style="list-style-type: none"> ▪ Removed residential uses from Lewis St face ▪ Removed one apartment from previous plan ▪ Using 475ft for residential ▪ Vending/ATM area on Lewis St side section ▪ County 239 comments have been received 	
PUBLIC COMMENT: <ul style="list-style-type: none"> ▪ No one spoke in favor of the application. ▪ No one spoke in opposition to the application. ▪ One letter in favor received. 	
VOTING	
MOTION that the ZBA is lead agency in SEQR review and that the action is unlisted	

FIRST: Donovan	SECOND: Cahill	VOTE: Carried (5-0-0)
MOTION to issue a negative declaration under SEQR		
FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)
DELIBERATION:		
<i>-FOR AREA VARIANCES-</i>		
<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 applicant will make ground window treatments on both facades mitigating any visual undesirability. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The revised plan is required to accommodate the residential use. 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the fact only 475 sq. ft. of the 5,150 sq. ft. commercial area is required for the variance. 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 self-created because the applicant chose to build residential units at the parcel. 		
MOTION to approve the requested variance		
FIRST: Cahill	SECOND: Resciniti	VOTE: Carried (5-0-0)

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 5 Jones St	CASE NUMBER: ZBA-2020-04
APPLICATION FOR: Area Variance to allow a 3' side setback along the western property line, where 5' is the minimum setback required, in association with the construction of a detached garage in the R-2 One and Two Unit Dwelling District	
REPRESENTATIVE(S): Heather DiRose	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Provides storage and safety for owner's vehicles ▪ New drainage may keep basement from flooding ▪ Additional space required for grading issues 	
PUBLIC COMMENT:	
<ul style="list-style-type: none"> ▪ John MacDonald spoke in favor of the application. ▪ No one spoke in opposition to the application. ▪ One letter in favor received. 	
VOTING	
MOTION that the ZBA is lead agency in SEQR review and that the action is Type II	
FIRST: Donovan	SECOND: Matzo
VOTE: Carried (5-0-0)	
DELIBERATION:	
<i>-FOR AREA VARIANCES-</i>	
<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 3 foot setback request would be more than other detached garages in the area. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. There would not be enough usable space without the presented dimensions. 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on most properties in the area are built up to the property line. 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 self-created because the applicant chose to live at the referenced parcel. 	

MOTION to approve the requested variance		
FIRST: Cahill	SECOND: Matzo	VOTE: Carried (5-0-0)
ADJOURNMENT		
MOTION to adjourn	TIME: 6:15 PM	
FIRST: Cahill	SECOND: Resciniti	VOTE: Carried (5-0-0)