



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: October 5, 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	
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	
Sharon Sorkin	Assistant Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the July 6, 2020 meeting minutes as written.		
FIRST: Matzo	SECOND: Resciniti	VOTE: Carried (4-0-0)

John Matzo recused himself

PUBLIC HEARINGS & FINAL DELIBERATIONS		
ADDRESS: 435 State St	CASE NUMBER: ZBA-2020-05	
APPLICATION FOR: Area Variance to allow a 112 sq. ft. pole sign where 50 sq. ft. is the maximum allowed in association with an existing grocery store in the C-1 Service Commercial District		
REPRESENTATIVE(S): Joe Holland		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ Larger than allowed sign will help with visibility ▪ 112 sq. ft. needed to read sign contents ▪ Lights from sign will not be shining into residential units at 435 State St ▪ Sign will be illuminate during business hours 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ No one spoke in favor of the application. ▪ Robert Bell spoke 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: Resciniti	VOTE: Carried (3-0-0)
MOTION to issue a negative declaration under SEQR		

FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (3-0-0)
DELIBERATION:		
<i>-FOR AREA VARIANCES-</i>		
<ol style="list-style-type: none"> 1. The Zoning Board of Appeals determined that that he granting of the variance would not result in an undesirable change in the neighborhood because the signage is not obtrusive and the area is heavily developed. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The size requested is the necessary for the purposed desired. 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the nature of the signs in the surrounding area. 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 could have conformed to the sign regulations. 		
MOTION to approve the requested variance, subject to the following conditions:		
<ul style="list-style-type: none"> ▪ Sign is illuminated only during hours of operation ▪ Sign orientation does not impinge on residential units ▪ Sign conforms to illumination standards of City of Binghamton Zoning Ordinance 		
FIRST: Cahill	SECOND: Resciniti	VOTE: Carried (3-0-0)

John Matzo returned to the Board

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 57 Whitney Ave	CASE NUMBER: ZBA-2020-06
APPLICATION FOR: Area Variance to allow a 27' side setback where 154' is the minimum required as well as an Area Variance to allow a 154' structure where 65' is the maximum height allowed in association with the construction of a telecommunications monopole in I-3 Heavy Industrial District	
REPRESENTATIVE(S): Matt Kerwin, Paul Reed	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ 158' (including lightning rod) telecommunications monopole ▪ Tower located on chosen property because of business activity ▪ Tower would fail at 130' if necessary ▪ Search ring determined that this location would resolve coverage gap ▪ Collocation was not possible ▪ Photo sims were not completed on the South Side due to unforeseen circumstances ▪ County comments 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 received. 	
VOTING	
The ZBA is lead agency in SEQR review and that the action (individual setback variances) is Type II	
MOTION that the ZBA is lead agency in SEQR review and that the action (principal height) is unlisted	
FIRST: Donovan	SECOND: Matzo
VOTE: Carried (4-0-0)	
MOTION to issue a negative declaration under SEQR	
FIRST: Donovan	SECOND: Matzo
VOTE: Carried (4-0-0)	
DELIBERATION:	
<i>-FOR AREA VARIANCES- Setback</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 of the tower break point. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. A number alternatives explored but not possible. 	

3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the engineering of the break point of the structure.
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 do the project on the parcel.

-FOR AREA VARIANCES- Height

1. The Zoning Board of Appeals determined that the granting of the variance would not result in an undesirable change in the neighborhood because of the photo simulations provided by the applicant and the area surrounding the project.
2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. Other alternatives explored by applicant would fulfill desired goals.
3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the surrounding structures and industry.
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 do the project on the parcel.

MOTION to approve the requested variances, subject to the following conditions:

- The applicant consider site security and maintenance in their proposal

FIRST: Donovan

SECOND: Cahill

VOTE: Carried (4-0-0)

ADJOURNMENT

MOTION to adjourn

TIME: 7:00pm

FIRST: Donovan

SECOND: Matzo

VOTE: Carried (4-0-0)