



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	
Ernest Landers	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	
Sean McGee	Historic Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Raja Sekharan	Assistant Corporation Counsel	
Sharon Sorkin	Assistant Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the September 8, 2020 meeting minutes as written.		
FIRST: Matzo	SECOND: Cahill	VOTE: Carried (4-0-1)
AYE(S): Donovan, Cahill, Matzo, Resciniti	NAY(S):	ABSTENTION(S): Landers

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 36 Conklin Ave	CASE NUMBER: ZBA-2020-08
APPLICATION FOR: An area variance to allow a 32 sq. ft. sign where 2 sq. ft. is the maximum allowed, an area variance to have an illuminated sign where illuminated signs are prohibited, an area variance for a 12 ft. tall sign where 4 ft. is the maximum height allowed as well as an area variance for a ground sign where no ground signs are allowed in association with an existing funeral home in the R-3 Residential Multi-Unit Dwelling District	
REPRESENTATIVE(S): Timothy F. Szczesny	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Sign for improved wayfinding ▪ Parcel located in a unique area, zoned residential but surrounded by commercial uses ▪ Current sign came with purchase of building in 1991 ▪ 239 comments received ▪ The applicant will not require an area variance for sign type as it is a pole sign 	
PUBLIC COMMENT:	

- No one spoke in favor of the application.
- No one spoke in opposition to the application.
- No letters received.

VOTING

MOTION that the ZBA is lead agency in SEQR review and that the action are unlisted

FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)
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MOTION to issue a negative declaration under SEQR

FIRST: Donovan	SECOND: Cahill	VOTE: Carried (5-0-0)
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DELIBERATION:

-FOR AREA VARIANCES- Sign Area

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 commercial uses in the area.
2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The sign area requested is necessary to achieve wayfinding goals.
3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the surrounding commercial uses.
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 operate at this location.

FOR AREA VARIANCES- Internal Illumination

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 will mitigated by limited illumination hours and the current sign is already illuminated.
2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The hours of operation require illumination for wayfinding.
3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the fact that the applicant own most of the surrounding parcels.
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 operate at this location.

FOR AREA VARIANCES- Sign 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 it is offset by the benefit to the applicant, customers and traffic.
2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The height is required for the sign to be seen over landscaping.
3. The Zoning Board of Appeals determined that the requested variance was not substantial based on commercial uses in the area as well as the applicant owning most of the surrounding parcels.
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 operate at this location.

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

- Hours are illumination are limited to 6 AM to 11 PM
- The illumination shall conform to the Zoning code

FIRST: Cahill	SECOND: Resciniti	VOTE: Carried (5-0-0)
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ADJOURNMENT

MOTION to adjourn	TIME: 6:30 PM	
FIRST: Donovan	SECOND: Cahill	VOTE: Carried (5-0-0)