



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
<b>MEETING DATE:</b> June 6, 2022	<b>LOCATION:</b> City Council Chambers, City Hall
<b>CALLED TO ORDER:</b> 5:15PM	<b>RECORDER OF MINUTES:</b> Shalin Patel

ROLL CALL		
ZONING BOARD OF APPEALS MEMBERS:	PRESENT	ABSENT
J. Kelly Donovan (chair)	X	
Mario Lisi		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	
Greg Buell	Zoning Officer	
Brian Seachrist	Corporation Counsel	

PUBLIC HEARINGS & FINAL DELIBERATIONS		
<b>ADDRESS:</b> 13 Mason Ave	<b>CASE NUMBER:</b> ZBA-2022-	
<b>APPLICATION FOR:</b> Area Variance to allow a 6' fence where 3' is the maximum height adjacent to a driveway in the R-2 Residential One & Two Unit Dwelling District.		
<b>REPRESENTATIVE(S):</b> Fawaz Mohamed Ishak Moha		
<b>DISCUSSION POINTS:</b>		
<ul style="list-style-type: none"> <li>▪ Applicant put up a 6 foot fence on their property, but City hall told them to resize it to a 3 foot fence</li> <li>▪ A staff member (Brian) commented about issues regarding safety of people passing by on the sidewalk right by the fence gates, since the both gates cover partial view of the sidewalk from the driveway</li> <li>▪ Applicant states that neither of the sideboard panels can be removed since they are attached to the fence post</li> <li>▪ Final section of the fence before approaching the sidewalk needs to have an open area above 3 feet</li> <li>▪ A board member (Ernest) commented about the possibility of moving the gate back to the house</li> </ul>		
<b>PUBLIC COMMENT:</b>		
<ul style="list-style-type: none"> <li>▪ Luke (Mohammed's neighbor), spoke in the zoom call in favor of the fence project. He is good with the existence of the fence gate as it is. He can see how it could be of concern, but also observe that Mohamed leaves his house daily with much more caution. The contractor(s) who performed the work should have denied the building of the fence gate if it was not allowed or posed a bigger threat.</li> </ul>		
VOTING		
<b>MOTION</b> that the ZBA is lead agency in SEQR review and that the action is Type II, requiring no environmental review.		
<b>FIRST:</b> Donovan	<b>SECOND:</b> Resciniti	<b>VOTE:</b> Carried (4-0-1)
<b>AYE(S):</b> Donovan, Resciniti, Matzo, Landers	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Lisi
<b>MOTION</b> to close the public hearing		

<b>FIRST:</b> Donovan	<b>SECOND:</b> Matzo	<b>VOTE:</b> Carried (4-0-1)
<b>AYE(S):</b> Donovan, Matzo, Landers, Resciniti	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Lisi
<b>DELIBERATION:</b>		
<i>-FOR AREA VARIANCES-</i>		
<ol style="list-style-type: none"> <li>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 a nice project and improves the property. The only thing that would make it undesirable would be the fence being 6 feet tall.</li> <li>2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is a reasonable alternative. If the applicant were to cut the fence to about 3 feet on both sides of the fence gate then he could have lattice above filling out rest of the panel and that would comply within coding requirement. Or cutting the fence down to 3 feet height.</li> <li>3. The Zoning Board of Appeals determined that the requested variance [was] substantial but it is way less substantial than how the fence was already built.</li> <li>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. The only impact that it will have is leaving the fence to be 6 feet and not seeing a passerby on the sidewalk even with cautiously looking around and driving through.</li> <li>5. The Zoning Board of Appeals determined that the alleged hardship [was] self-created because the contractors around this area should do a better job at informing their clients, because they should know the rules.</li> </ol>		
<b>MOTION</b> to approve the requested variance, subject to the following conditions:		
<ul style="list-style-type: none"> <li>▪ Leave the gates at 6 foot high, but cutoff the fence from both sides of the driveway at the front post at a 3 foot high section for visibility when he is pulling out of his driveway.</li> </ul>		
<b>FIRST:</b> Matzo	<b>SECOND:</b> Landers	<b>VOTE:</b> Carried (4-0-1)
<b>AYE(S):</b> Matzo, Landers, Resciniti, Donovan	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Lisi

<b>ADJOURNMENT</b>		
<b>MOTION</b> to adjourn		<b>TIME:</b> N/A
<b>FIRST:</b> Donovan	<b>SECOND:</b> Landers	<b>VOTE:</b> Carried (4-0-1)
<b>AYE(S):</b> Donovan, Landers, Resciniti, Matzo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Lisi