



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: August 1, 2022	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Shalin Patel

ROLL CALL		
ZONING BOARD OF APPEALS MEMBERS:	PRESENT	ABSENT
J. Kelly Donovan (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	
Brian Seachrist	Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the June 6, 2022 meeting minutes as written.		
FIRST: Matzo	SECOND: Resciniti	VOTE: Carried (4-0-0)
AYE(S): Matzo, Resciniti, Landers, Donovan	NAY(S):	ABSTENTION(S):

PUBLIC HEARINGS & FINAL DELIBERATIONS		
ADDRESS: 76 Main St	CASE NUMBER: ZBA-2022-	
APPLICATION FOR: Sign Variance to allow an Electronic Message Center sign within 200' of a residential zoning district, where it is not permitted.		
REPRESENTATIVE(S): Joe Holland from Matzo Signs		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ Internally illuminated cabinet with static led sign (double sided) in front of the American Legion location ▪ Reduced overall width of the sign from its original existence ▪ Displayed messages on the sign will change every minute, no motion or flashing is involved ▪ EMC Variance needed because of its proximity to Residential Zoning District 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ No letters or public comments were received 		
VOTING		
MOTION for John Matzo's recusal from applicant (76 Main St)'s decision		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (3-0-1)
AYE(S): Donovan, Resciniti, Landers	ABSTENTION(S):	ABSTENTION(S): Matzo
MOTION that the ZBA is lead agency in SEQR review and that the action is unlisted		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried / Failed (3-0-1)
AYE(S): Donovan, Resciniti, Landers	NAY(S):	ABSTENTION(S): Matzo

MOTION to open public hearing for 76 Main Street		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (3-0-1)
AYE(S): Donovan, Resciniti, Landers	NAY(S):	ABSTENTION(S): Matzo
MOTION to close public hearing for 76 Main Street		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (3-0-1)
AYE(S): Donovan, Resciniti, Landers	NAY(S):	ABSTENTION(S): Matzo
MOTION to issue a negative declaration under SEQR		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (3-0-1)
AYE(S): Donovan, Resciniti, Landers	NAY(S):	ABSTENTION(S): Matzo
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 current sign is not a great looking sign, it has been there for a very long time. There has not been much change with the signage. With the addition of the new sign, there will be use of fewer signage by using the new LED sign compared to what they are using at the moment. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. From the looks of the new rendered signage, there are no better options for a modern looking sign in present times. American Legion looked at acquiring a monochromatic sign, but that is not even a choice because it is no longer being manufactured by the said company. 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the signage not being visible by nearest residential zoning building, the area around the American Legion is pretty much all commercial. The Residential Zoning District boundary is 158 feet north of the sign, which is behind the lot (between the sign and the first residential building, there is American Legion building and then some space, then you get to first house), so residents would not be able to see the sign. 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, but it is time for a new signage. The legion is investing money into something to keep their location stay recognizable and they provide a great service too. 		
MOTION to approve the requested variance for an EMC within 158 feet of a residential zoning district where it is not permitted		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (3-0-1)
AYE(S): Donovan, Resciniti, Landers	NAY(S):	ABSTENTION(S): Matzo

ADDRESS: 49 Court Street	CASE NUMBER: ZBA-2022-
APPLICATION FOR: Area Variance to allow no landscaping where a 5' wide landscape buffer is required for the expansion of an existing parking lot	
REPRESENTATIVE(S): Justin Marchuska and James Caramore from Marchuska Brothers Construction LLC	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Would like to add 9 additional parking spots, maintain the sidewalk (lets the church use their parking lot for events) 	

<ul style="list-style-type: none"> ▪ Demolition of the existing paved area is required where 9 lots would be located ▪ Requires a 239 form; which resulted in a decision of denial from the Broome County ▪ Previously existing trees were removed from the property without an approval, they might be a contingency of the original site plan ▪ Applicant removed trees from the location when they bought the property approximately 4 years ago, wants to keep the lot as open as possible for safety and just so people can see throughout the lot ▪ Put up wooden guard rail on the borders of the parking lot to stop letting people on bicycles and random pedestrians to roam the parking lot (but they had to remove the trees in the process because of it) ▪ Staff (T. Martinez) said smaller trees would be fine in the mulch beds. There are 9 spots proposed, if they used one of those for landscaping, they could probably plant a tree in there ▪ They could use existing interior landscaping islands to plant trees in them 		
VOTING		
MOTION to close the public hearing for 49 Court Street		
FIRST: Donovan	SECOND: Landers	VOTE: Carried (4-0-0)
AYE(S): Donovan, Resciniti, Landers, Matzo	NAY(S):	ABSTENTION(S):
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ 1 letter was received in favor of the project from Mr. Yonaty 		
MOTION that the ZBA is lead agency in SEQR review and that the action is unlisted		
FIRST: Donovan	SECOND: Landers	VOTE: Carried / Failed (4-0-0)
AYE(S): Donovan, Resciniti, Landers, Matzo	NAY(S):	ABSTENTION(S):
MOTION to issue a negative declaration under SEQR		
FIRST: Donovan	SECOND: Landers	VOTE: Carried (4-0-0)
AYE(S): Donovan, Resciniti, Landers, Matzo	NAY(S):	ABSTENTION(S):
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 it is just concrete being removed, no other plants or trees are being removed. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is a reasonable alternative. They could use existing interior landscaping islands to plant trees in them. Also, staff member (T. Martinez) made a comment saying if the applicant oriented the parking lot 45 degrees, they could fit the 5 foot buffer and keep 5 foot of the sidewalk. There is an alternative that allows them to keep parking, sidewalk, and landscaping 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on no pre-existing greenery being removed, it is just maintaining status quo. 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. But the alternative is not any change, which would be no additional parking. 		
MOTION to approve the requested variance for 49 Court Street to add 9 additional parking spaces in a current lot that has 231 pre-existing spaces equaling 240 total spaces with a request that a light fixture be installed in the space		

of sidewalk area near these spaces, so the area is well lit for people in the dark or in winter time. Applicant considers landscaping improvements over time as they are available to them, not binding

FIRST: Matzo	SECOND: Landers	VOTE: Carried (4-0-0)
AYE(S): Matzo, Donovan, Resciniti, Landers	NAY(S):	ABSTENTION(S):

ADJOURNMENT

MOTION to adjourn		TIME:
FIRST: Donovan	SECOND: Matzo	VOTE: Carried (4-0-0)
AYE(S): Donovan, Matzo, Resciniti, Landers	NAY(S):	ABSTENTION(S):