



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: October 4, 2022	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	
Susan Bucci	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	
Shalin Patel	Planner, Planning Department	
Brian Seachrist	Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the September 6, 2022 meeting minutes as written.		
FIRST: Matzo	SECOND: Bucci	VOTE: Carried (5-0-0)
AYE(S): Matzo, Bucci, Landers, Resciniti, Donovan	NAY(S):	ABSTENTION(S):

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 77 Pine Street	CASE NUMBER: ZBA-2022-192
APPLICATION FOR: Use Variance for the construction of a three-story Multiple Unit Dwelling with 12 units [(9) one bedroom and (3) two bedrooms] in the R-2 One- and Two-Unit Dwelling District.	
REPRESENTATIVE(S): Domenic Emilio	
DISCUSSION POINTS: <ul style="list-style-type: none">▪ 2-bedroom units are no longer available on the Pine St parcel side of the project, [12] one-bedroom units will be solely built on the Pine St parcel▪ Minor changes made to the floor plans (presented via a flipchart paper)▪ Addition of a front porch on 77 Pine St side, to blend in with the neighborhood appeal▪ Applicant(s) has not performed a detailed solar study to address the concerns made by Eric Leonard (81 Pine St)▪ Commissioner (S. Bucci) made a comment about the solar panels on 81 Pine St being on the west side of the property at slanted angle and was exchanging conversations with the owner regarding how much time it would take for the 77 Pine St building completely blocking the solar panels, etc.▪ Pine St side of the building will be 40 feet tall compared to previous version, the street itself sits 10-12 feet higher than Henry St▪ 239 Comments found nothing of concern regarding the use variance only	
PUBLIC COMMENT: <ul style="list-style-type: none">▪ Eric Leonard, from 81 Pine St, spoke against the project.	

- Concerns related to his solar panels remains true
- Concerned about the location of dumpsters being placed on the Pine St side of the parcel (also mentions exhaust fans, generators, fuel tanks, fore mentioning the fire station being built across from his house)
- **Kathy Staples**, from 79 Pine St, spoke against the project.
- Has newfound concerns about the building being the tallest in the vicinity of the direct surroundings to her house
- Talks about the 10-foot separation from her house to Pine St parcel mentioned in the plans, but that it will not continue throughout the entire property
- **David C**, lives in Johnson City, but has been a long-time employee for the Binghamton Mets/Rumble Ponies.
- Henry St side of the building has limited parking
- Even though the parking requirements have been sort of met by purchasing of the two detached parcels, you will have people parking in the Rumble Ponies’ parking lot. It is going to take away from the owners having a viable business
- People living in these apartments will not be abiding by the parking areas and it will lead to towing of cars by the Rumble Ponies

VOTING

MOTION to reopen the public hearing for the Use Variance for 77 Pine St

FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)
AYE(S): Donovan, Matzo, Bucci, Landers, Resciniti	NAY(S):	ABSTENTION(S):

MOTION to close the public hearing for the Use Variance for 77 Pine St

FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)
AYE(S): Donovan, Matzo, Bucci, Landers, Resciniti	NAY(S):	ABSTENTION(S):

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

FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)
AYE(S): Donovan, Matzo, Bucci, Landers, Resciniti	NAY(S):	ABSTENTION(S):

MOTION to issue a negative declaration under SEQR

FIRST: Donovan	SECOND: Matzo	VOTE: Carried (5-0-0)
AYE(S): Donovan, Matzo, Bucci, Landers, Resciniti	NAY(S):	ABSTENTION(S):

DELIBERATION:

-FOR USE VARIANCES-

1. The Zoning Board of Appeals concluded that under applicable zoning regulations, the applicant [would] be deprived of all economic use or benefit from the property in question. Competent financial evidence [was not] established to prove economic deprivation.
2. The Zoning Board of Appeals determined that the alleged hardship for the property [was] unique based on the continuance of the properties that will be part of the one building and the project – creation of different housing units from different parcels into one continued property. You will not be able to do this project with a single parcel.
3. The Zoning Board of Appeals determined that granting the variance [would] be in harmony with the spirit and intent of this ordinance and would not alter the essential character or quality of the neighborhood, endanger public health or safety, and [would not] substantially diminish or impair property values in the neighborhood. There may be some impact, but not major, this is a residential area and residential development, so it does match with the general use of the area (K. Donovan). Addition of the front porch adds a little character back to the neighborhood appeal.

4. The Zoning Board of Appeals determined that the alleged hardship [was not] self-created because the applicant and City are trying to meet the need for housing in the City, it is not something applicant already built and is asking for forgiveness from the board afterward. The applicant in a sense is providing a benefit to the city.		
MOTION to grant a use variance for 77 Pine St for construction of multi-unit dwellings of [12] one-bedrooms on 77 Pine St parcel on 3 stories		
FIRST: Donovan	SECOND: Bucci	VOTE: Carried (5-0-0)
AYE(S): Donovan, Bucci, Landers, Resciniti, Matzo	NAY(S):	ABSTENTION(S):

ADDRESS: 77 Pine Street	CASE NUMBER: ZBA-2022-192
APPLICATION FOR: Area Variances for a 4' rear setback where 20' is the minimum, 73% lot coverage where 70% is the maximum, 55' in height where 45' is the maximum, 21 parking spaces where 79 spaces are required, and to provide parking 256' off site where 250' is the maximum distance allowed.	
REPRESENTATIVE(S): Domenic Emilio	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Agenda mentions 27 parking spaces, but it should be 21 spaces only ▪ Commissioner (Matzo) made a comment about the parking spaces being so far beyond the location of the unit building(s) and if there were offers made to neighbors to purchase their parcels nearby for parking ▪ Chairman (Donovan) asked about the location of the dumpsters for this project citing earlier questions on it from the neighbors ▪ Applicant: The best solution according to two of the best local garbage collectors, the location should be next to the porch, with full pad and an enclosure ▪ Commissioner (Resciniti) commented about getting more information about the sun and how it would affect the neighbor's solar panels and concerned about the dumpster situation ▪ Staff member (Martinez) commented saying DOT will not allow any openings onto Chapman Street for this project, as referred by the NYSDOT from the 239 Review 	
PUBLIC COMMENT:	
<ul style="list-style-type: none"> ▪ Eric Leonard, from 81 Pine St, spoke against the project. ▪ Kathy Staples, from 79 Pine St, spoke against the project. ▪ David C, lives in Johnson City, but has been a long-time employee for the Binghamton Mets/Rumble Ponies. 	

ADDRESS: 183 Water Street	CASE NUMBER:	
APPLICATION FOR: Public parking garage with upper story dwelling units. Area Variances for a 0' rear setback where 20' is the minimum, 100% lot coverage where 90% is the maximum, and 125' in height where 120' is the maximum in the C-2 Downtown Business District.		
MOTION: To defer to the Planning Commission as the lead agency for SEQR Review		
FIRST: Donovan	SECOND: Bucci	VOTE: Carried (5-0-0)
AYE(S): Donovan, Bucci, Landers, Resciniti, Matzo	NAY(S):	ABSTENTION(S):

ADJOURNMENT		
MOTION to adjourn		TIME: 6:30 PM
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (5-0-0)
AYE(S): Donovan, Resciniti, Landers, Matzo, Bucci	NAY(S):	ABSTENTION(S):