



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: December 6, 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	
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	
	Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the November 7, 2022 meeting minutes as written.		
FIRST: Resciniti	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Bucci, Resciniti, Landers, Donovan	NAY(S):	ABSTENTION(S): Matzo

PUBLIC HEARINGS & FINAL DELIBERATIONS		
ADDRESS: 183 Water St	CASE NUMBER: ZBA-2022-190	
APPLICATION FOR: 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		
REPRESENTATIVE(S): JACOB VON MECHOW, Senior Designer for Whitham Planning and Design		
DISCUSSION POINTS:		
<ul style="list-style-type: none"> ▪ General discussion/recap about the project from the previous meeting ▪ Previous structure was only 5 stories – the newer building in totality will be shorter in height compared to the Double Tree hotel which is directly adjacent to 183 Water St ▪ 239 comments' concerns mostly pertain to the traffic patterns, which the PC will be addressing ▪ PC declared this application to possess a negative declaration under SEQR 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ No one spoke in favor nor against the application 		
VOTING		
MOTION to open the public meeting		
FIRST: Donovan	SECOND: Resciniti	VOTE: Carried (4-0-1)
AYE(S): Donovan, Resciniti, Landers, Bucci	NAY(S):	ABSTENTION(S): Matzo
MOTION to close the public meeting		
FIRST: Donovan	SECOND: Bucci	VOTE: Carried (4-0-1)

AYE(S): Donovan, Bucci, Resciniti, Landers	NAY(S):	ABSTENTION(S): Matzo
DELIBERATION:		
<i>-FOR AREA VARIANCES (maximum lot coverage to 100%, 0' rear setback, and 125' in height)-</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 would not be undesirable to allow 100% lot coverage where there is already 100% or less of coverage available. 5' in height difference from 120 to 125' is not a very drastic height difference, the applicant desires some wiggle room to work with, though it is a very small request for a 10-story building. Minimum rear setback in the downtown area, 0' is more common than actually observing the required setbacks. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is/is not a reasonable alternative. The alternative would be to meet the zoning requirements of the district. But the project is trying to take advantage of maximum property available, it makes sense when you are looking to replace a parking area that has been unused for a long considerable amount of time. (Chair Donovan) says that he is satisfied that the applicant must have looked at the alternatives, but the means of the project kind of dictates how much space and rear setbacks required. 3. The Zoning Board of Appeals determined that the requested variance was not substantial based on the previous use and intensity of the use of land. It is going to fit in with the use of land in that area/district. 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 project will be an improvement overall to the neighborhood, it will have a positive impact overall, physically, and environmentally in the area. 5. The Zoning Board of Appeals determined that the alleged hardship was not self-created on behalf of the City and applicant. It was something that was needed in the area. 		
MOTION to approve the requested variance(s)		
FIRST: Resciniti	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Resciniti, Landers, Bucci, Donovan	NAY(S):	ABSTENTION(S): Matzo

ADDRESS: 45 Carroll St	CASE NUMBER: ZBA-2022-199	
APPLICATION FOR: Area Variance to allow a 50' tall building where 45' is the maximum height allowed and a 0' side setback where 10' is required in the R-3 Multi-unit Dwelling District		
REPRESENTATIVE(S):		
DISCUSSION POINTS:		
VOTING		
MOTION to table the project until January meeting		
FIRST: Donovan	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Donovan, Resciniti, Landers, Bucci	NAY(S):	ABSTENTION(S): Matzo

ADJOURNMENT		
MOTION to adjourn		TIME: 5:35PM
FIRST: Donovan	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Donovan, Bucci, Landers, Resciniti	NAY(S):	ABSTENTION(S): Matzo