



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: April 18, 2023	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:	
Tito Martinez	Assistant Director, Planning Department	
Shalin Patel	Planner, Planning Department	

Meeting minutes from 02/14/2023 were amended as requested by Board member (Bucci) at last month's ZBA meeting (Final approval vote change for 48 Blackstone Ave variance from 5-0-0 Carried to 4-1-0 Carried).

APPROVAL OF MINUTES		
MOTION to approve the amended February 14, 2023 meeting minutes as written.		
FIRST: Bucci	SECOND: Matzo	VOTE: Carried (4-0-1)
AYE(S): Bucci, Donovan, Matzo, Resciniti	NAY(S):	ABSTENTION(S): Landers

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 108 Henry St	CASE NUMBER: ZBA-2023-26
APPLICATION FOR: Area Variance for a 5' rear setback where 20' is the minimum required in association with the construction of a rear addition on an existing residential building in the C-4 Neighborhood Commercial District.	
REPRESENTATIVE(S): Mark Parker (Project Engineer, Keystone Associates), Bill Atrum (works with the Architect group)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ 15 units, 44 bedrooms ▪ Looking for an area variance for a rear setback for addition of ~471 sq. ft of total building ▪ Board member (Matzo) asked about what the 471 sq ft., area was going to be used for? <ul style="list-style-type: none"> - Representative (Parker) replied, it is an entrance and exist and mainly for an elevator to go up to the upper floors. 2nd means of providing an egress to the stairs. ▪ Board member (Bucci) asked if the intention of this building was to use it as student housing? Also, is there an idea of the market value of what each of these apartments will cost to rent? <ul style="list-style-type: none"> - Representatives (Parker and Atrum) replied saying they are not sure, nothing of that sort of discussion had taken place between the applicant, and the Engineers and Architectures at Keystone Associates. - Representatives (Parker) replied, with no, we do not know. - Representative (Atrum) replied to another question, but he said that bedrooms will vary in size, some have private baths, while some will be smaller. 	

- Board member (Resciniti) asked, is the existing stairwell in the rear where the new addition will be? How much bigger of a footprint will the new addition be from where the existing stairs were?
 - Representative (Parker) replied, yes, it will be. (Representative Atrum was showing the rear area with the change taking place requiring an area variance on a big visual map to the members of the board).
- Chair (Donovan) asked, if the existing fire escape stairs were still in place, would they be in compliance with the code?
 - Representative (Atrum) replied saying no.
- Chair (Donovan) asked about a 239 Response from the County
 - Staff member (Martinez) replied, the county found no significant countywide impacts. They did note that there were discrepancies in the number of bedrooms in the application and shown on the drawings. But those drawing were corrected; the number of bedrooms is correct now and the Planning Commission approved the case.

MOTION to open the public meeting at 5:30PM

FIRST: Matzo	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Matzo, Bucci, Donovan, Resciniti	NAY(S):	ABSTENTION(S): Landers

PUBLIC COMMENT:

- No one spoke in favor nor against the application.
- One phone call was received from the neighbor directly on the rear of 108 Henry St

MOTION to close the public meeting at 5:31PM

FIRST: Donovan	SECOND: Matzo	VOTE: Carried (4-0-1)
AYE(S): Matzo, Bucci, Donovan, Resciniti	NAY(S):	ABSTENTION(S): Landers

VOTING

Chair Donovan stated that ZBA is lead agency in SEQR review and that the action is Type II and requires no further Environmental Review.

DELIBERATION:

-FOR AREA VARIANCES-

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 an improvement to the property and make it a useful location. The pre-existing condition and structure were within 20' anyway, so going from 20' to 5' is not entirely undesirable. It is not unusual in those areas, 5' is not unreasonable.
2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The stair tower could be shifted to another location, but then the applicants would be eating away at some of the parking. The applicants have considered alternatives to avoid having to get a variance, but acquiring a rear setback variance is the most efficient way to make use of the space without taking away space from other avenues of the property.
3. The Zoning Board of Appeals determined that the requested variance was not substantial because it is not unusual for buildings to be within 5' or 0' to the property line. The building pre-existed within 20' to begin with.
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 there was no another avenue that could be explored to efficiently prevent a need for a variance. Only other choice was for the building to come down.

MOTION to approve the requested Area Variance.

FIRST: Matzo	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Matzo, Bucci, Donovan, Resciniti	NAY(S):	ABSTENTION(S): Landers

ADJOURNMENT

MOTION to adjourn		TIME: 5:37 PM
FIRST: Donovan	SECOND: Matzo	VOTE: Carried (4-0-1)
AYE(S): Matzo, Bucci, Donovan, Resciniti	NAY(S):	ABSTENTION(S): Landers