



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
MEETING DATE: June 13, 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	
Greg Buell	Zoning Officer, Planning Department	
Elisabeth Rossow	Corporation Counsel	

Meeting minutes from 04/18/2023 were not approved nor denied, but they were tabled until the July meeting.

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 31-33 Pine St	CASE NUMBER: ZBA-2023-81
APPLICATION FOR: Area Variances for a 22' drive aisle where 24' is required in association with an Ancillary Parking Lot, no 5' landscape buffer on the sides of an Ancillary Parking lot, and for 0' of commercial space on a portion of the ground floor of a mixed-use building where 30' is required in the C-4 Neighborhood Commercial District.	
REPRESENTATIVE(S): Thomas Grosso	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Complete rehabilitation of both 31.5 (soon to be converted to 31 Pine St) and 33 Pine St properties. ▪ There was a mistake made on the application, there is only 17' drive aisle not 22', so there is only total of 52' of parking area width and enough for only one sufficient drive aisle in the middle. ▪ 5' no landscape buffer on the west side of the lot ▪ Few months ago this property was in the R1/R2 district before it was rezoned to commercial, being in the rezoned district, in order for the living space on the ground floor of 33 Pine St to be legal, a variance has to be acquired. ▪ Staff (Martinez) commented, the area of Pine St (where applicant's properties are located) was rezoned, that is the stadium district master plan area. And that plan had recommendations of rezoning a different part of the district and that intersection was recommended to be rezoned too commercial. Because Red Barn's computers is there, the old tranquil bistros there, there are commercial businesses at that intersection that were zoned residential so they couldn't expand or have signage and things like that. That was corrected by rezoning. ▪ Staff (Martinez) talked about following 239 comments in summary: no significant countywide impacts were found. Ground floor residential space runs contrary to the predominant character and land use 	

patterns of the downtown business district (C2). City of Binghamton should reconsider the recent efforts to rezone and redevelop the stadium district and the precedent this project was set for projects located in the stadium district. C1, C2, C3, and C4 Commercial zoning districts across the city if area variance for living space within 30 feet of a street is approved. Concerns expressed in our previous commented pertain to the large number of students rentals in downtown Binghamton, number of bedrooms per unit in compliance with the comprehensive plans recommendation regarding floor plans suitable for a variety of end users are also pertinent.

- When asked, the applicant (Grosso) commented, the driveway aisle is going to be 17' wide instead of 22', but it will not be as active, because it is a residential driveway and not a commercial one, where you have vehicles constantly coming in and out. In most cases you will not have one car per bedroom, so it could be very limited parking that will be utilized in the lot.

MOTION to open the public meeting for 31-33 Pine St

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

PUBLIC COMMENT:

- No one spoke in favor nor in opposition of the project.
- No letters received.

VOTING

MOTION that the project is a SEQR Unlisted action

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

MOTION for ZBA to be the lead agency for SEQR Review

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

MOTION to issue a negative declaration under SEQR

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

MOTION to close the public hearing for 31-33 Pine St

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

DELIBERATION:

-FOR AREA VARIANCES for 0' of commercial space on a portion of the ground floor of a mixed-use building where 30' is required in the C-4 Neighborhood Commercial District-

1. The Zoning Board of Appeals determined that the granting of the variance would not result in an undesirable change in the neighborhood because an improvement is being made to the existing property. This area was rezoned from a residential district to a commercial district, there are a lot of pre-existing residential properties already in the area, so this project will not be out of the characteristic of the neighborhood.
2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. The new zone, C4 Neighborhood Commercial District does not really fit this property really well for what the project's intentions were set to be.
3. The Zoning Board of Appeals determined that the requested variance was not substantial.
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 Zoning Board of Appeals determined that the alleged hardship was self-created but it is great to see blighted property is being brought back to life and gets add some light back to the neighborhood/area.

-FOR AREA VARIANCES for a 17' drive aisle where 24' is required in association with an Ancillary Parking Lot-

- The Zoning Board of Appeals determined that the granting of the variance would not result in an undesirable change in the neighborhood because this is not a commercial nor a retail environment parking lot, it's for residents. But 17' is not too terrible in a small parking lot for residents.
- The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. To get to number of parking spots in the area in question, is why the applicants ended up at 17'. If you can count on everybody having compact cars, maybe there was room to make adjustments.
- The Zoning Board of Appeals determined that the requested variance was not substantial. Because it is not as concerning due to the lot being uses for residential purposes and not commercial.
- 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 Zoning Board of Appeals determined that the alleged hardship was self-created.

-FOR AREA VARIANCES for no 5' landscape buffer on the sides of an Ancillary Parking lot-

- The Zoning Board of Appeals determined that the granting of the variance would in an undesirable change in the neighborhood, but it might not be avoidable. There is no 5' landscape buffer present on the property currently either.
- The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. No alternative to fitting everything into 2 small parcels.
- The Zoning Board of Appeals determined that the requested variance was not substantial because it is relatively a small patch of land to start with, not having it will not be a substantial request.
- 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 Zoning Board of Appeals determined that the alleged hardship was self-created.

MOTION to approve the requested area variances, for a 17' drive aisle where 24' is required in association with an Ancillary Parking Lot, no 5' landscape buffer on the sides of an Ancillary Parking lot, and for 0' of commercial space on a portion of the ground floor of a mixed-use building where 30' is required in the C-4 Neighborhood Commercial District.

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

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 2 Crestmont Rd	CASE NUMBER: ZBA-2023-84
APPLICATION FOR: Area Variance for a 4' side setback where 5' is the minimum in the R-1 Single Unit Dwelling District.	
REPRESENTATIVE(S): Elizabeth Bringley, Jordan Verano (owners of 2 Crestmont Rd)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Home is currently a 3-bedroom, 1 bathroom. Owners would like to add 1 additional bathroom on the bottom floor. In addition, moving the house back a little bit, 10 ft to be exact. Kitchen would be extended, allowing an office in the back corner. ▪ The garage will come slightly forward to make space for mudroom/bathroom in the back. The garage is currently not big enough to fit a car in/open the door, etc. 	

<ul style="list-style-type: none"> ▪ Applicant/representatives would like to widen the garage by 1', which is why a variance is needed. Setback is 5' 3", but it would become 4' 3" when 5' is the minimum required. (All the neighbors are happy about the project). ▪ Chair (Donovan) commented, looking at the plans, it looks like there will be an additional entry on the side of the garage. - Representative (Bringley) commented, yes, there will be entry into garage, so you can get in the garage from the yard. Then there will an entry into the house, into the mudroom from the garage, currently there is no entry from the garage. ▪ The reason why it is a SEQR Type II action is because it is a setback variance for a single-family house, those are always Type II actions. 		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ No one spoke in favor nor in opposition of the project. ▪ No letters received. 		
VOTING		
MOTION to open the public hearing for 2 Crestmont Rd.		
FIRST: Donovan	SECOND: Matzo	VOTE: Carried (4-0-1)
AYE(S): Donovan, Matzo, Landers, Bucci	NAY(S):	ABSTENTION(S): Resciniti
MOTION that the ZBA is lead agency in SEQR review and that the action is Type II.		
FIRST: Donovan	SECOND: Matzo	VOTE: Carried (4-0-1)
AYE(S): Donovan, Matzo, Landers, Bucci	NAY(S):	ABSTENTION(S): Resciniti
MOTION to close the public hearing for 2 Crestmont Rd.		
FIRST: Donovan	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Donovan, Matzo, Landers, Bucci	NAY(S):	ABSTENTION(S): Resciniti
DELIBERATION:		
<p><i>-FOR AREA VARIANCES for a 4' side setback where 5' is the minimum in the R-1 Single Unit Dwelling District-</i></p> <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 will not be a noticeable change once project is completed. Any use out of that 1' of space will make it a more desirable space. 2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. This is in a relatively small confines, it is making good use of the space available. They involved their neighbors in the decision-making process, which is a great thing to do. 3. The Zoning Board of Appeals determined that the requested variance was not substantial because there are so many properties in Binghamton that go up to or over the property lines. 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, because the applicants are making an addition to their house/property, therefore creating a hardship. 		
MOTION to approve an area variance for a 4' side setback where 5' is the minimum in the R-1 Single Unit Dwelling District.		
FIRST: Matzo	SECOND: Bucci	VOTE: Carried (4-0-1)
AYE(S): Donovan, Matzo, Landers, Bucci	NAY(S):	ABSTENTION(S): Resciniti

ADJOURNMENT

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