Summary of the Minutes
January 3, 2017 Regular Meeting
City of Binghamton Zoning Board of Appeals
City Council Chambers, City Hall

CALL TO ORDER
Chairman Donovan called the meeting to order at 5:20 pm.

ROLL CALL
Present: Landers, Appe, Donovan, Priest
Absent: Pelella
Vacant Seats: 0
Staff Present: Berling, Konetchy, Martinez, McGee, Sorkin

APPROVAL OF MINUTES

Motion to approve the December 5th meeting minutes as written

Motion carried (3-1-0)

PUBLIC HEARINGS & DELIBERATIONS

60 Henry St (2016-37)

Praveen Kamath, representing the applicant AOM 221 Washington Street LLC, appeared to provide information on a Use variance to allow residential use in a commercial space on the ground floor of an existing building in the C-2 Downtown Business District, where residential uses are not permitted in the ground floor. The storefront in the front of the building will remain commercial. The chairman then opened the public hearing. John Maczko spoke in favor of the proposal. Charlie Fenson spoke in opposition to the proposal. The public hearing was then closed.

Motion that the Zoning Board of Appeals is the Lead Agency under SEQRA

Moved by Appe, seconded by Priest
Motion carried (4-0-0)
Ayes: Landers, Appe, Donovan, Priest
Abstain: None
Nays: None
Absent: Pelella

Motion that the requested Use Variance be designated as a Type I Action

Moved by Appe, seconded by Landers
Motion carried (4-0-0)
Ayes: Landers, Appe, Donovan, Priest
Abstain: None
Motion that the request receive a Negative Declaration under SEQRA

Moved by Appe, seconded by Donovan

Motion carried (4-0-0)
Ayes: Landers, Appe, Donovan, Priest
Abstain: None
Nays: None
Absent: Peella

Motion to conditionally approve the requested Use variance to allow residential use in the ground floor of an existing building in the C-2 One Downtown Business District, subject to the following: a site plan shall be submitted showing a lighting plan, a site plan shall be submitted showing the exterior materials and colors, the exterior shall be repaired, and bicycle parking will be provided on-site

Moved by Appe, seconded by Priest

Motion carried (4-0-0)
Ayes: Landers, Appe, Donovan, Priest
Abstain: None
Nays: None
Absent: Peella

42 Chenango St (2016-36)

No one representing the applicant, First Presbyterian Church, appeared to provide information on Area Variances to allow an Electronic Message Center sign in the C-2 Downtown Business District, where such signs are not permitted and within 200’ of a historic district, where such signs are not permitted. The applicant requested that their proposal be tabled for the following meeting.

The chairman then opened the public hearing. No one spoke in favor of or in opposition to the proposal. The public hearing was then closed.

Motion to table the discussion to the February 6th meeting

Moved by Appe, seconded by Priest

Motion carried (4-0-0)
Ayes: Landers, Donovan, Priest, Appe
Abstain: None
Nays: None
Absent: Peella

50 Montgomery St (2016-38)

Brian Rice, representing the applicant Perdue AgriBusiness, appeared to provide information on an Area Variance for a 0’ setback where 25’ is the minimum in association with the expansion of an existing industrial building, in the I-3 Heavy Industrial District. An existing structure, a garage housing a truck scale, will be expanded from 60’ to 80’ in order to meet the new industry standard of an 80’ scale.
The chairman then opened the public hearing. Robert Murphy spoke in favor of the proposal. No one spoke in opposition to the proposal. The public hearing was then closed. The action is a Type II action under SEQR, and as such no environmental review is required.

_Motion to approve the requested area variance for a front setback of 0’ where 25’ is the minimum in association with the expansion of an existing building in the I-3, Heavy Industrial District._

Moved by Priest, seconded by Appe  
**Motion carried (4-0-0)**  
Ayes: Landers, Appe, Donovan, Priest  
Abstain: None  
Nays: None  
Absent: Pelella

**70 Ridge St (2016-33)**  
Andrew Reistetter appeared to provide information on Area Variances for a 5’ front setback where 30’ is the minimum and a 5’ rear setback where 15’ is the minimum in the R-1, Single-Unit Dwelling District. Reistetter proposes to build a 1200-1800 ft² home on his property. Since the last meeting, the applicant has submitted a site plan depicting the location of the driveway and a sketch of the front of the proposed building. The chairman then opened the public hearing. The chairman stated that all previously submitted letters in support of and in opposition to the proposal are a part of the record. Chris Pavlisak (Loretta Drive), Jim Maggiore (Indiana Street), Melissa Hackford (Ridge Road), and John Darrow (Asbury Court) spoke in favor of the proposal. Sarah Campbell, representing William and Patricia Newland (Loretta Drive), spoke in opposition to the proposal. The public hearing was then closed.

_Motion to deny the requested area variances for a front setback of 5’ where 30’ is the minimum and a rear setback of 5’, where 15’ is the minimum in association with the construction of a single-family home in the R-1, Single-Unit Dwelling District_  

Moved by Appe, seconded by Landers  
**Motion carried (4-0-0)**  
Ayes: Landers, Donovan, Priest, Appe  
Abstain: None  
Nays: None  
Absent: Pelella

**Other Business**  
- None

**ADJOURNMENT**  
Motion to adjourn.

Moved by Donovan, seconded by Landers
Motion carried (4-0-0)
Ayes: Landers, Donovan, Priest, Appe
Abstain: None
Nays: None
Absent: Peella

Meeting adjourned at 7:25PM