

Summary of the Minutes
July 8, 2014 Regular Meeting
City of Binghamton Zoning Board of Appeals
Planning, Housing, and Community Development Conference Room, City Hall

CALL TO ORDER

Vice Chair Warholc called the meeting to order at 5:15 pm.

ROLL CALL

Present: Warholc, Donovan, Appe, Penna
Absent: Mastronardi
Vacant Seats: 0
Staff Present: Martinez, McCullen, Costello, Sosa, Skeadas-Sherry

PUBLIC HEARINGS & DELIBERATIONS

162 COURT ST (2014-07)

Maggie Martin appeared to provide information on the application. The public hearing was then opened. No one spoke in favor of the proposal. Beverly Docteur, representing A.V.R.E. and Deborah Hogan spoke in opposition to the proposal. 239 comments were received, recommending denial of the proposal. The public hearing was then closed.

Motion to declare the proposed action an Unlisted action under the State Environmental Quality Review Act.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholc
Nays: None
Absent: Mastronardi

Motion to declare intent for the Zoning Board of Appeals to act as Lead Agency under the State Environmental Quality Review Act.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholc
Nays: None
Absent: Mastronardi

Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholc
Nays: None
Absent: Mastronardi

Motion to approve the requested Area Variance for zero parking spaces where 23 are required to allow the conversion of a vacant commercial building into 10 residential dwelling units.

Moved by Appe, seconded by Donovan

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

65 ROTARY AVE (2014-14)

Martin Stantz presented information on the requested use variance and expansion of non-conforming use. Chris Shadduck spoke in favor of the use variance. No one spoke in opposition to either proposal. The public hearing was then closed. No letters were received. The public hearing was then closed.

Motion to declare the proposed Use Variance an Unlisted action under the State Environmental Quality Review Act.

Moved by Appe, seconded by Donovan

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to declare intent for the Zoning Board of Appeals to act as Lead Agency under the State Environmental Quality Review Act.

Moved by Appe, seconded by Warholic

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.

Moved by Appe, seconded by Donovan

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve the requested Use Variance to allow the establishment of a limited-service restaurant in an R-2 One- and Two-Unit Dwelling District

Moved by Appe, seconded by Donovan

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to declare the proposed Expansion of Non-conforming use an Unlisted action and to declare the intent for the Zoning Board of Appeals to act as Lead Agency under the State Environmental Quality Review Act.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve the requested expansion of a non-conforming use to allow the expansion of an existing tavern in an R-2 One- and Two-Unit Dwelling District

Moved by Donovan, seconded by Penna

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

198 ROBINSON STREET (2014-15)

Mike Major and Rusty Luce appeared to provide information on requested area variances. The public hearing was then opened. No one spoke in favor of the proposal. Councilman Bill Berg spoke in opposition to the proposal. The public hearing was then closed.

Motion to declare the proposed action an Unlisted action under the State Environmental Quality Review Act.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to declare intent for the Zoning Board of Appeals to act as Lead Agency under the State Environmental Quality Review Act.

Moved by Appe, seconded by Donovan

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve the requested Use variance to construct a 2,340 square gasoline station/convenience market located in the C-4 Neighborhood Commercial District, where it is permitted, and the R-2 One and Two Family Residential District, where it is not permitted and Area variances for 93% lot coverage, or 9,340 square feet where 70% or 7,000 square feet is permitted in the C-4, 74% lot coverage, or 3,666 square feet where 50% or 2,483 square feet is permitted in the R-2, 9 parking spaces where 14 is required, 41-foot wide curb opening on Moeller where a maximum of 30 feet is permitted, for not providing a 5-foot wide perimeter landscape strip along the frontage of 38 Moeller Street, and to provide 2 street trees where up to 8 street trees are required.

Moved by Appe, seconded by Donovan

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

203 COURT STREET (2014-17)

Ken Kamlet and Mark Yonati appeared to provide information on a requested area variance. The public hearing was then opened. Henry Kachadourian (209-213 Court Street) spoke in favor of the proposal. The public hearing was then closed.

Motion to declare the proposed action an Unlisted action under the State Environmental Quality Review Act.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to declare intent for the Zoning Board of Appeals to act as Lead Agency under the State Environmental Quality Review Act.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve a Department of Environmental Conservation State Environment Quality Review Act Negative Declaration in conjunction with the requested review.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

Motion to approve the requested Use variance to permit the parking area associated with a proposed medical clinic to be located in the R-2 One- and Two-Unit Dwelling District (the clinic would be located in the C-1 Service Commercial District). Area variances for approximately 90% lot coverage where 70% is permitted in the C-1 and 50% is permitted in the R-2, a zero foot setback along the western interior side lot line, for 1,831 square feet of interior landscaping where 1,916 square feet or 5% of the area of the parking lot is required, for 6 interior tree plantings where 15 is required, for 0% tree canopy coverage where 50% of the area of the parking lot is required, and to provide 100 parking spaces where a parking maximum of 42 spaces or 110% of required number of parking spaces is permitted.

Moved by Donovan, seconded by Appe

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

SEQR DETERMINATIONS

120 HAWLEY STREET (2014-16)

Staff presented information on the proposed project.

Motion to declare the proposed action an Unlisted action and to declare intent for the Zoning Board of Appeals to act as Lead Agency under the State Environmental Quality Review Act.

Moved by Warholic, seconded by Penna

Motion carried (4-0)

Ayes: Donovan, Appe, Penna, Warholic

Nays: None

Absent: Mastronardi

ADJOURNMENT

Moved by Warholic, seconded by Appe

None opposed.

Adjourned at 7:10 p.m.