

**Summary of the Minutes**  
**December 7, 2015 Regular Meeting**  
**City of Binghamton Zoning Board of Appeals**  
**City Council Chambers, City Hall**

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**CALL TO ORDER**

Chairman Donovan called the meeting to order at 5:15 pm.

**ROLL CALL**

Present: Landers, Donovan, Appe, Pelella  
Absent: Priest  
Vacant Seats: 0  
Staff Present: Giurastante, Sosa

**APPROVAL OF MINUTES**

November minutes were approved.

**PUBLIC HEARINGS & DELIBERATIONS**

**23 YAGER STREET (2015-25)**

Corey Prusik, applicant, appeared to provide information on the requested Area Variance for an accessory structure with a 2'4" side setback, and 1'6" rear setback where 5' is required for both in the R-3, Multi-Unit Residential District. The applicant had already built the shed and is retroactively seeking the variance as he was unaware of the building permit process and city code requirements.

No one spoke in favor. No one spoke in opposition to the project. No letters were received.

*Motion to establish ZBA as lead agency under SEQRA.*

Moved by Appe, seconded by Landers

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella  
Nays: None  
Absent: Priest

*Motion to declare action 'Type 2' under SEQRA.*

Moved by Appe, seconded by Landers

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella  
Nays: None  
Absent: Priest

Nays: None

Absent: Priest

*Motion to grant Area Variance for an accessory structure with a 2'4" side setback, and 1'6" rear setback where 5' is required for both.*

.  
Moved by Appe, seconded by Pelella

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella

Nays: None

Absent: Priest

#### **494 COURT STREET (2015-20)**

Mathew Kerwin, Esq., project representative, appeared to provide additional information on the Area Variance to construct a 155' high telecommunications tower where 65' is the maximum and 45' side and rear setback where 155' are required in the C-1, Service Commercial District. The representative presented photos, which simulated the proposed tower from a variety of locations around the City of Binghamton.

No one spoke in favor. No one spoke in opposition to the project. No letters were received.

*Motion to establish ZBA as lead agency under SEQRA.*

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Moved by Appe, seconded by Pelella

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella

Nays: None

Absent: Priest

*Motion to declare action 'Unlisted' under SEQRA.*

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Moved by Appe, seconded by Donovan

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella

Nays: None

Absent: Priest

*Motion to establish Negative Declaration under SEQRA.*

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Moved by Appe, seconded by Pelella

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella

Nays: None

Absent: Priest

*Motion to grant the Area Variances to construct a 155' high telecommunications tower where 65' is the maximum.*

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Moved by Appe, seconded by Pelella

**Motion carried (4-0-0)**

Ayes: Landers, Donovan, Appe, Pelella  
Nays: None  
Absent: Priest

*Motion to grant the Area Variances for a front yard setback of 95', an eastern side yard setback of 13', a western side yard setback of 18' and a backyard setback of 18' where 155' is required in all cases.*

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

### **ADJOURNMENT**

*Motion to adjourn.*

Moved by Donovan, seconded by Appe  
**Motion carried (4-0-0)**  
Ayes: Landers, Donovan, Appe, Pelella  
Nays: None  
Absent: Priest  
Meeting adjourned 7:00 p.m.