

**Summary of the Minutes**  
**March 7, 2016 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, Priest  
Absent: 0  
Vacant Seats: 0  
Staff Present: Giurastante, Murphy, Conway, Costello

**APPROVAL OF MINUTES**

February minutes were approved.

**PUBLIC HEARINGS & DELIBERATIONS**

**169 RIVERSIDE DR (2015-28)**

Jeff Davis, Esq., appeared on behalf of AT&T, to present the requested use and area variances. The applicant wished to establish a collocated antenna facility on top of Lourdes hospital. This use is not allowed in the C-3, Medical District and the site plan also violated height requirements. Davis presented photo simulations to the board, which included existing conditions as well as the proposal. The board determined that the requested variance, if granted, would not adversely impact neighborhood or environmental conditions. They also concluded that the hardship was self-created to an extent, but that the need for coverage at this area superseded any hardship due to the applicant locational choice. Furthermore, Davis explained that wireless antenna facilities are considered public utilities in New York State, which excluded this proposal from economic hardship review that was relevant to the requested use variance.

*Motion to grant the Use Variance to install nine (9) panel antennas and equipment cabinets and platforms behind two camouflaged ten-foot tall screening walls on the roof of an existing Hospital in the C-3, Medical District.*

Moved by Appe, seconded by Priest

**Motion carried (5-0-0)**

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

*Motion to grant the Area Variance for maximum building height where 74'6" is proposed and 65' is allowed in the C-3 District.*

Moved by Appe, seconded by Pelella

**Motion carried (5-0-0)**

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

## **2 ASBURY CT (2016-01)**

Pantaleone Iuliani, applicant and representatives, Mario DiFulvio and John Darrow, appeared to provide information on the requested Area Variances for a 0' setback for a carport, garage and shed where 5' is required and a carport in addition to a garage, where only one of the two is allowed. The applicant was retroactively seeking the variances as he did not possess sufficient knowledge of the City Code. The neighbor who lives at 3 Asbury Ct., Mary Lou Supa, appeared to speak against the request.

*Motion to table the public hearing for April 4<sup>th</sup> at 5p.m. pending a revised site plan.*

Moved by Donovan, seconded by Priest

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

Absent: None

## **146 CRESTMONT RD (2016-05)**

David and Anne Lott, applicants, appeared to provide information on the requested area variances. No one came to speak in favor or opposition to the project; six letters of support were received. Due to heavy support, and individual logic, the board determined that the requested variance would not produce an undesirable change to the neighborhood or negatively impact physical and environmental conditions. The applicants had a history of keeping their yard in good order and it was assumed that this would remain unchanged. Since the applicant collects antique cars, the garage storage was seen as an improvement to the property and no other reasonable alternatives could be readily identified. Although, the members recognized that this request may have been born of a self-created hardship, they found the request to be insubstantial.

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

Moved by Appe, seconded by Priest

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

Absent: None

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

Moved by Appe, seconded by Pelella

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

Absent: None

*Motion to grant Area Variance for a detached garage addition that increases the square footage to 960 sq. ft. where only 676 sq. ft. is allowed and to have a 2.5 ft. side setback where 5 ft. is required in an R-2, Residential One & Two Unit Dwelling District*

Moved by Priest, seconded by Appe

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

**INTERPRETATION**

**Ruling on Supervisor of Building Construction's interpretation regarding 'Amusement Arcade'**

*Motion to adopt the proposed interpretation regarding the designation and proper placement of 'Amusement Arcade' in the C-4 District.*

Moved by Donovan, seconded by Pelella

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

Absent: None

**OTHER BUSINESS**

**Correction of the record regarding case ZBA 2016-02 (16 & 16.5 Cedar St.)**

*Motion to accept the corrected site plan for ZBA 2016-02. Lot 1 should be 2,281.3 sq. ft. and Lot 2 should be 1,504.3 sq. ft.*

Moved by Donovan, seconded by Appe

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

Absent: None

**ADJOURNMENT**

*Motion to adjourn.*

Moved by Donovan, seconded by Appe

**Motion carried (5-0-0)**

Ayes: Landers, Donovan, Appe, Pelella, Priest

Nays: None

Absent: None

Meeting adjourned 7:00 p.m.