



# Department of Planning, Housing, & Community Development

**Mayor, Richard C. David**  
Director, Dr. Juliet Berling

## STAFF REPORT

Date: January 26, 2016  
Subject: 169 Riverside Drive; Area Variance, Use Variance  
Applicant: New Cingular Wireless PCS, LLC (“AT&T”) c/o Centerline Communications  
Tax ID #: 160.61-1-1  
Case: 2015-28

---

### A. SUMMARY:

The applicants seeks two (2) variances:

1. Use Variance to install two (2) telecommunications antennae and screening walls on the roof of an existing hospital
2. Area Variance for the maximum building height of 74’6” where 65” is allowed in the C-3, Medical District.

The subject site is a 1,465,358.4 sq. ft. lot in the C-3, Medical District.

### B. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

#### ***Location:***

#### 135 Riverside Drive:

In 1978, the Zoning Board of Appeals denied a request by Matthew and Emily Jaffee for a use variance to convert an existing structure into a cancer patient lodge facility and staff offices for the Broome County American Cancer Society.

#### 151 Riverside Drive:

- The Zoning Board of Appeals granted a use variance to Dr. Anthony Palombaro and Dr. Timothy Farrell in 1987 to use the premises as professional office space.
- In 2000, two area variances regarding off-street parking requirements were granted to Palombaro, Farrell, and Hill to allow the construction of a two-story, 780 square foot addition to an existing dentist office.

#### 160 Riverside Drive:

- The Danielle House Inc. received a use variance in 2001 from the Zoning Board of Appeals to operate a hospital hospitality house.
- Use and area variances of off-street parking requirements were granted to Anthony Manley in 1993 to allow the premise to be used as a dentist office.

169 Riverside Drive:

- Lourdes Hospital received approval from the Planning Commission in 1995 to extend Parking Lot “C” and create 59 additional spaces.
- In 1995, the Planning Commission granted a Special Use Permit to Lourdes Hospital to construct two underground concrete vaults on the west side of the hospital under the U-shaped Emergency Room Department driveway.
- The Planning Department approved a Series B Site Plan application in 1991 to construct a three-story medical office building with a basement.
- In 1990, the Planning Commission granted a Special Use Permit to Lourdes Hospital to construct a five-story addition to the front of the existing hospital to connect the Center and West Wings.
- Lourdes Hospital received approval in 1990 to construct a 1,200 square foot building for the storage of hospital waste, including regulated medical waste.
- Approval was granted to Lourdes Hospital in 1990 to construct a 3,200 square foot building to house a 1,300 KW nominal cogeneration system and to construct a 180 square foot addition to the existing gas meter building.
- The Planning Commission granted a Special Use Permit to Lourdes Hospital in 1988 to construct a two-story addition adjacent to the Seton Wing for storage and office space and to construct a 2,500 s.f. garage and maintenance building adjacent to the existing power plant.
- Approval was granted to Lourdes Hospital in 1985 to convert the upper three floors of the existing east wing of the hospital into a private medical office building.

176 Riverside Drive:

- In 1988, the Zoning Board of Appeals denied a use variance request by Alan and Susan Jablon to convert a single-family residence to a dentist’s office and one residential unit.
- A use variance request by Alan and Susan Jablon to convert a single-family residence into a professional office was denied by the Zoning Board of Appeals in 1989.

183-187 Riverside Drive:

The Planning Commission denied a request by the Unitarian Universalist Church in 1981 to construct an off-street parking area. An article 78 was filed, and the decision of the Planning Commission was overturned.

**C. ENVIRONMENTAL IMPACT**

The applicant's proposal is a SEQR Type I Action.

*The Planning Commission should serve as Lead Agency.*

**D. STAFF COMMENTS**

***Criteria for Area Variance:***

1. Reasonable Alternative
  - a. The board must decide if there are reasonable alternatives.

2. Substantial Request
  - a. City code prefers collocated towers instead of freestanding sites.
3. Self-created Hardship
  - a. The ZBA must determine if there is a self-created hardship.
4. Undesirable Change
  - a. The collocated antennas will stand no more than 8' on the roof of the building.
  - b. The antennas will be contained behind a 10' high mesh fence to minimize visual affect.
5. Physical and Environmental Conditions
  - a. Proposed changes will not adversely affect the nearby Historic District.

***Criteria for Use Variance:***

1. Economic Deprivation
  - a. The ZBA must decide if there are grounds for Economic Deprivation.
2. Unique Circumstances
  - a. Proposed changes are minimal, and specific to the site rather than surrounding areas
3. Neighborhood Character
  - a. Collocated antennae will not be visible from surrounding neighborhoods in the historic district.
4. Self-created hardships
  - a. The ZBA must determine if there is a self-created hardship.

**E. ENCLOSURES**

Enclosed are copies of the site plan, the application and site photos.