



# Department of Planning, Housing, & Community Development

**Mayor, Matthew T. Ryan**  
Director, Tarik Abdelazim

## Zoning Board of Appeals Official Decision

TO: Angela Fagerstrom, City Clerk; Thomas Costello, Building Bureau  
FROM: Patrick C. Day, Planner  
DATE: February 8, 2013  
RE: 257-263 Washington Street; Area Variance for Minimum Off-Street Parking  
TAX ID: 160.33-1-4, 160.33-1-5, 160.33-1-6, 160.33-1-7  
PETITIONER: Kevin Findley  
CASE #: ZBA 2012-27

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### ***Area variance for minimum off-street parking in the C-1, Service Commercial District.***

A public hearing was held on February 5, 2012 at 5:18 p.m., at a regularly scheduled meeting of the Zoning Board of Appeals, as required by Section 410-94(A) of the Zoning Ordinance. The petitioner presented proof of service by certified mail and by publication as required by Section 410-94(B) of the Zoning Ordinance and paid the required filing fee. The petitioner also posted the public notice signs as required.

At this meeting, attorney Kevin Findley and Steve McElwain presented information on the proposed project. No one spoke in favor of the project. Omar Afify spoke in opposition. No letters were received in favor or in opposition of the proposal. The public hearing was then closed.

After due deliberation, JoAnn Mastronardi made a motion, seconded by Robert Warholic, for the Zoning Board of Appeals to consider the action an Unlisted action for the purposes of SEQR. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, Matthew Stiles, Robert Warholic, and J. Kelly Donovan. No one voted against the motion.

After due deliberation, JoAnn Mastronardi made a motion, seconded by Robert Warholic, for the Zoning Board of Appeals to act as Lead Agency under SEQR. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, Matthew Stiles, Robert Warholic, and J. Kelly Donovan. No one voted against the motion.

After due deliberation, JoAnn Mastronardi made a motion, seconded by Robert Warholic, for the Zoning Board of Appeals to, acting as Lead Agency, make a **Negative Declaration** for the proposed action under SEQR. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, Matthew Stiles, Robert Warholic, and J. Kelly Donovan. No one voted against the motion.

After due deliberation, JoAnn Mastronardi made a motion, seconded by Robert Warholic, to approve the requested area variance. The Zoning Board of Appeals voted 4-0 on the motion. The following members voted to approve the motion: JoAnn Mastronardi, Matthew Stiles, Robert Warholic, and J. Kelly Donovan. No one voted against the motion.

**Comments/Findings:**

1. The Zoning Board of Appeals determined that the requested area variance would not produce an undesirable change in the character of the neighborhood.
2. The Zoning Board of Appeals determined that for the applicant's proposed use there was not a reasonable alternative. The Board felt that previous uses had used the subject properties had operated with fewer parking spaces, and that the proposed project
3. The Zoning Board of Appeals determined that the variance was not substantial.
4. The Zoning Board of Appeals determined that the action would not create an adverse impact on the physical and environmental conditions in the neighborhood.
5. The Zoning Board of Appeals determined that the action would not create an adverse impact on the physical and environmental conditions in the neighborhood.
6. The Zoning Board of Appeals determined that the action could be considered a self-created hardship, however that should not preclude the granting of the requested variance. The Board felt that the project, as proposed, would create more off-street parking than had historically been offered to serve the subject structures, and that the project would improve traffic & parking conditions in the subject area.

**PETITION: The request for area variance for off-street parking has been APPROVED.**

*A recording of this meeting will be filed with the City of Binghamton Planning Department.*

Petition Number: ZBA 2012-27

Reviewed and Approved:

Date: \_\_\_\_\_

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Allison Sosa, Assistant Corporation Counsel

Date: \_\_\_\_\_

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JoAnn Mastronardi, Chairperson Zoning Board of Appeals