



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
DATE: January 22, 2013
SUBJECT: 31 Washington Street; Area Variances
APPLICANT: Newman Development Group / 3i Graphics & Signs
TAX ID #: 160.56-2-9
CASE: 2012-22
COPIES: T. Abdelazim, B. Seachrist, T. Costello, L. Webb (District 4), E. Olsen, File

A. REVIEW REQUESTED

3i Graphics & Signs, on behalf of Newman Development Group, has submitted an application for area variances to allow the installation of 9 signs to the façade of an existing four-story structure (known as “Twin River Commons”) in the C-2, Downtown Business District. The proposed on-site advertising signs are classified as projecting signs by the City of Binghamton Zoning Code, as they attach directly to a building face and extend more than 12 inches from the face of the wall. The proposed signs would each be double-faced and measure 3’ x 20’. The proposed signs display the logo of “Twin River Commons,” the multi-unit residential development to which the signage would be affixed, and one unique verb per sign (ex. “connect,” “play,” “relax”) in a vertical alignment. 7 of the signs would be attached to the eastern frontage of the structure along Washington Street, and 2 would be attached to the northern building façade (Susquehanna Street).

In the C-2 Downtown Business District, a maximum of 2 signs are allowed per street frontage per activity. There exist at the subject property 3 existing “Twin River Commons” signs (2 wall signs, 1 ground sign attached to the perimeter fencing); installation of the proposed signage would result in 8 signs on the Washington Street frontage and 3 signs on the Susquehanna Street frontage. The proposal exceeds the maximum number of allowed signs for the Washington Street frontage by 6 signs and the maximum number of allowed signs for the Susquehanna Street frontage by 1 sign.

Additionally, in the C-2 District, only 1 Projecting Sign is allowed per use, of a maximum sign area not to exceed 20 square feet. The proposal exceeds this maximum by 8 signs and 520 square feet (each sign measures 60 square feet).

The applicant has submitted an application for area variances for maximum total number of signs per activity, maximum number of projecting signs and maximum sign area in the C-2 District.

	Maximum Allowed	Proposed
Total # of Signs Per Frontage (Washington Street)	2	8
Total # of Signs Per Frontage (Susquehanna Street)	2	3
Total # of Projecting Signs	1	9
Total Sign Area (Projecting Sign)	20 square feet	540 square feet

In granting these area variances, the Zoning Board of Appeals must weigh the benefit to the applicant if the variance is granted against the detriment to the health, safety, and welfare of the neighborhood or community by such a grant. The following must also be considered:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse impact on the physical or environmental conditions in the neighborhood or district;
- (e). **Self-created hardship**: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

B. ADDITIONAL REVIEWS

The project is not located within a historic district; the proposed project does not require design review from the Commission on Architecture and Urban Design (CAUD).

C. SITE REVIEW

The subject site is a 3.23 acre parcel bounded by Susquehanna Street on the north, Washington Street on the east, North Shore Drive on the South, and the Chenango River floodwall on the west.

Land use in the vicinity of the project area is a mix of open space, civic, and community services – educational. The proposed project would be adjacent to Binghamton University’s Downtown Center and near the Broome County Veteran’s Memorial Arena. The Binghamton River Trail is adjacent to the

proposed project opposite the flood wall. There is a city park located to the south of the proposed project area.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

21-45 Washington Street: The Planning Commission, on March 1, 2010, granted Series A Site Plan / SUP approval to Washington Development Associates, LLC for the new construction of a multi-unit dwelling in the C-2 District.

E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

F. STAFF FINDINGS

Planning Staff has the following findings:

The requested variances would result in an aesthetic that is consistent with neighboring development. The SUNY-University Downtown Center (adjacent to the subject property) employs similarly-sized (~2' x 20'), double-sided projecting sign installations on its northern and eastern facades.

G. ENCLOSURES

Enclosed are copies of the application, sign elevations and site photos.

Sincerely,

Patrick C. Day
Planner

Enclosures