



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Zoning Board of Appeals Members
DATE: 20 August 2013
SUBJECT: 321 Water Street: Reestablish a Sign Which Extends Beyond the Roofline
TAX ID #: 160.25-1-2
CASE: 2013-22
COPIES: A. Sosa, T. Costello, L. Webb (District 4), S. Sherwood, File

A. REVIEW REQUESTED

Susan Sherwood, representing the property owner, has submitted an application for an area variance related to signage for a Cultural Facility/Museum, at the property known as 321 Water Street; the property is located in the C-1, Service Commercial District.

The Applicant has proposed the following signs for the project:

- One (1) wall sign, non-illuminated, 2.5 feet tall by 6 feet long, facing Water Street
- One (1) rooftop sign, non-illuminated, 3feet tall by 20 feet long, facing south toward the railroad tracks

Article XI, Sign Regulations, of the City of Binghamton Zoning Code establishes the standards for signage in the City of Binghamton. §410-65 of the Zoning Code establishes the specific signage standards for the C-1 District. Rooftop signs are not a permitted structural type allowed in the C-1 District and therefore requires an area variance:

	Permitted by Zoning Code	Proposed
Rooftop Sign	Not Permitted	1

The Applicant has stated that a rooftop sign is necessary for their location to be visible, due to the elevated railroad tracks immediately south of their building.

In granting an area variance, 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:

- 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;
- 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 sign proposal does not require approval from the Planning Commission.

The project is located at a designated Local Landmark Historic Property; review by the Commission on Architecture and Urban Design (CAUD) is required. The case is scheduled to be heard on Tuesday, 27 August 2013.

The project is located within the Local Waterfront Revitalization Program (LWRP) area; however review by the Waterfront Advisory Committee is not required for signage cases.

The proposed project does not include any modifications to the surface lot and does not require a Stormwater Pollution Prevention Plan (SWPPP).

The project is not located within 500 feet of any State or County owned properties; 239 L&M review from the Broome County Planning Department is not required.

C. SITE REVIEW

The property known as 321 Water Street is located on the west side of Water Street of State Street and Court Street. The parcel has a Water Street frontage measuring 288' and a depth measuring 103'.

Land use in the vicinity of the subject property consists of commercial warehousing and industrial uses.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

2 Eldredge Street

- In 2000, the Planning Commission granted a Special Use Permit to Parlor City Paper Box Company to construct a 3,700 s.f. addition to be used for cold storage.
- In 2013, the Planning Commission granted a Special Use Permit to Parlor City Paper Box Company for new construction of a 7,800 SF addition for an existing Light.

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:

1. *The Zoning Board of Appeals must determine if an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created.*

Rooftop signs are not allowed in any zoning district in the City of Binghamton. This building previous had a rooftop sign, which was removed several years ago. As this is a designated Local Landmark Property, the Zoning Board of Appeals may wish to consider any decision or recommendation from the Commission on Architecture and Urban Design (CAUD) as part of their determination.

2. *The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.*

The Applicant might be able to achieve the goal of additional signage without the installation of a rooftop sign; this could be done through a pole sign. While a pole sign might eliminate the need for a variance a rooftop, a pole sign would likely have a greater negative impact on the character and aesthetic of the neighborhood.

G. ENCLOSURES

Enclosed is a copy of the application, site photographs, and the sign designs.

Sincerely,

H. Peter L'Orange
Historic Preservation and Neighborhood Planner

Enclosures