



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON ZONING BOARD OF APPEALS	
<b>MEETING DATE:</b> September 9, 2025	<b>LOCATION:</b> City Council Chambers, City Hall
<b>CALLED TO ORDER:</b> 5:15PM	<b>RECORDER OF MINUTES:</b> Shalin Patel

ROLL CALL		
ZONING BOARD OF APPEALS MEMBERS:	PRESENT	ABSENT
J. Kelly Donovan (Chair)	X	
Susan Bucci		X
John Matzo (Vice chair)	X	
Ernest Landers		X
Marina Resciniti	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Tito Martinez	Assistant Director, Planning Department	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Ryan Matt	Corporation Counsel	
APPROVAL OF MINUTES		
<b>MOTION</b> to approve the August 12, 2025 meeting minutes as written.		
<b>FIRST:</b> Matzo	<b>SECOND:</b> Resciniti	<b>VOTE:</b> Carried (3-0-0)
<b>AYE(S):</b> Matzo, Donovan, Resciniti	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

PUBLIC HEARINGS & FINAL DELIBERATIONS	
<b>ADDRESS:</b> 79 Bennett Ave	<b>CASE NUMBER:</b> ZBA-2025-123
<b>APPLICATION FOR:</b> Area Variance for a 2' rear setback where 5' is the minimum requirement for an accessory structure in the R-1 Residential Single Unit Dwelling District.	
<b>REPRESENTATIVE(S):</b> Joseph Leonard (Homeowner)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ 5-bedroom home is situated on a corner parcel of land on Bennett and Rotary Ave and the applicant owns the neighboring parcel of land at 75 Bennett Ave as well.</li> <li>▪ Existing 2 car garage (20'x19') that faces Rotary Ave, located in the rear of the primary house – rear wall needs repair, but the applicant (Leonard) decided to extend it instead.</li> <li>▪ Due to creation of some confinements created by the previous owner(s), I am unable to construct a bigger, wider garage in the existing space because the garage sits roughly 4' from the house, <b>noted Leonard.</b></li> <li>▪ Existing garage will no longer be 19'x20', it will be 19'x30'. The garage sits 2' from 6 Rotary Ave's driveway. Would need to get a variance for a 2' setback where 5' is required (<b>Leonard</b>).</li> <li>▪ <b>Matzo asked</b> if the extension was going from 75 Bennett to 79 Bennett? What happens if you decide to sell 75 Bennett Ave – with the garage encroaching onto that piece of land?               <ul style="list-style-type: none"> <li>- <b>Leonard replied</b>, the opposite, extending from 79 Bennett to 75. It has been addressed, it has</li> </ul> </li> </ul>	

been recommended that both 75 and 79 Bennett Ave parcels be merged into 1 uniform parcel.		
<b>PUBLIC COMMENT:</b>		
<ul style="list-style-type: none"> <li>▪ No one spoke in favor nor in opposition of the application.</li> <li>▪ No letters received in favor nor in opposition of the application.</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> to OPEN the public hearing for 79 Bennett Ave		
<b>FIRST:</b> Donovan	<b>SECOND:</b> Resciniti	<b>VOTE:</b> Carried (3-0-0)
<b>AYE(S):</b> Donovan, Resciniti, Matzo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> to CLOSE the public hearing for 79 Bennett Ave		
<b>FIRST:</b> Donovan	<b>SECOND:</b> Matzo	<b>VOTE:</b> Carried (3-0-0)
<b>AYE(S):</b> Donovan, Resciniti, Matzo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> that the Zoning Board of Appeals intends to act as Lead Agency in SEQR review and that the action is Type II under SEQR, therefore no further environmental review is required.		
<b>FIRST:</b> Donovan	<b>SECOND:</b> Matzo	<b>VOTE:</b> Carried (3-0-0)
<b>AYE(S):</b> Donovan, Resciniti, Matzo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>DELIBERATION:</b>		
-- Area Variance for a 2' rear setback where 5' is the minimum requirement for an accessory structure --		
<ol style="list-style-type: none"> <li>1. The Zoning Board of Appeals determined that the granting of the variance [would not] result in an undesirable change in the neighborhood because the extension will be in line with the pre-existing garage, and there are similar structures that are legal-nonconforming (not 5' away from rear property line) in many neighborhoods throughout the city of Binghamton.</li> <li>2. The Zoning Board of Appeals concluded that under applicable zoning regulations, there is not a reasonable alternative. Applicant explored other possibilities, but extension from rear of the garage seemed the most feasible (as a new garage or extension thereof cannot be located 5' from the primary structure), especially to have adequate access to it from the confined driveway.</li> <li>3. The Zoning Board of Appeals determined that the requested variance was not substantial.</li> <li>4. The Zoning Board of Appeals determined that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.</li> <li>5. The Zoning Board of Appeals determined that the alleged hardship was self-created.</li> </ol>		
<b>MOTION</b> to APPROVE the Area Variance for a 2' rear setback where 5' is the minimum requirement for an accessory structure, subject to the following:		
<ul style="list-style-type: none"> <li>▪ Applicant must combine the two individual parcels located at 75 and 79 Bennett Ave, respectively, into one (1) uniform parcel.</li> </ul>		
<b>FIRST:</b> Matzo	<b>SECOND:</b> Resciniti	<b>VOTE:</b> Carried (3-0-0)
<b>AYE(S):</b> Donovan, Resciniti, Matzo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>ADJOURNMENT</b>		
<b>MOTION</b> to adjourn		<b>TIME:</b>
<b>FIRST:</b> Donovan	<b>SECOND:</b> Matzo	<b>VOTE:</b> Carried (5-0-0)
<b>AYE(S):</b> Donovan, Matzo, Resciniti	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>