



Department of Planning, Housing, & Community Development

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

SUMMARY OF MINUTES CITY OF BINGHAMTON COMMISSION ON ARCHITECTURE	
MEETING DATE: November 6, 2018	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 12:00 PM	RECORDER OF MINUTES: S. McGee

ROLL CALL	
BOARD MEMBERS PRESENT:	BOARD MEMBERS ABSENT:
<ul style="list-style-type: none"> ▪ K. Ellsworth (Chair) ▪ J. Darrow (Vice-Chair) ▪ P. Klosky ▪ M. E. Mauro ▪ S. Edwards ▪ R. Murphy (Ex-Officio) 	<ul style="list-style-type: none"> ▪ M. Atchie ▪ M. Lombardini
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:
S. McGee	Historic Preservation & Neighborhood Planner, PHCD
T. Konetchy	Planner, PHCD
N. O'Neil	Assistant Corporation Counsel

BUSINESS ITEMS	
ADDRESS: 266 Main Street	CASE NUMBER: CAUD-2018-89
DESCRIPTION FROM AGENDA: Hardship Application for Demolition	
DISCUSSION POINTS & THOSE SPEAKING: Jay Zuwiya was presented at the meeting.	
<p>Staff provided a review of the application and the Commission's former decision regarding the property's historic significance. Staff review the application criteria and requirements.</p> <p>Staff asked the applicant about the property being listed on Zillow and the price discrepancy between the rehabilitation costs listed there and the materials presented by the applicant.</p> <p>He stated that his son had provided the information on Zillow and that the information was inaccurate.</p> <p>Staff also asked the applicant about people who had approached him about having a business at the property and why those plans had not come to fruition. Staff specifically referenced a 2012 Zoning Board of Appeals application for the property.</p> <p>Mr. Zuwiya stated that the property had been had been vacant for many years and that the only business which had been present in the building was the Copper Cricket.</p> <p>Staff asked what about the property made it difficult for business's to inhabit.</p>	

J. Darrow stated that there had been a Jamaican Restaurant in the building since the Copper Cricket had inhabited the space.

J. Darrow asked the applicant if the house is listed at fair market value.

J. Darrow stated that there was no market analysis was presented in the materials.

J. Darrow wanted to know what other properties were owned by the applicant in the City.

Staff indicated that the Commission should focus their attention on the specific property.

Staff then reviewed the hardship application criteria with the Commission and what materials/information they could request given their purview.

Staff explained meeting with Mr. Zuwiya and explaining the criteria the preceding month. Staff explained that is the Commission wanted additional information, they should be clear and specifically request information from the applicant.

K. Ellsworth asked about reasonable return and spoke about requesting another appraised value for the property. He also asked about the rental value of the property. He noted the distinction between residential/commercial use.

J. Darrow requested the following information from the applicant:

- 1) Fair market value
- 2) Offers received
- 3) Appraisals
- 4) Attempts at marketing the property following the issuance of the residential use variance

Staff again reminded the Commission that they have to consider hardship for this specific property.

J. Darrow did not believe that hardship has not be illustrated yet in his opinion.

S. Edwards asked if \$80,000 was the amount needed to rehab the building to sell it at a price of \$115,000.

Mr. Zuwiya stated that was correct and that despite listing the property on many different mediums nothing had come to fruition.

P. Klosky asked what the benefits of granting financial hardship were.

J. Darrow explained the applicant would then be allowed to demolish the building.

J. Darrow asked what the cost of demolition?

Staff asked the applicant.

Mr. Zuwiya stated \$15,000.00

R. Murphy discussed the cost of demolition.

Staff asked the Commission be specific in regard to the information they request from the applicant, given the amount of time that has passed since the Commission initially reviewed the property.

K. Ellsworth specifically stated the Commission would like to see the following information

1. Two appraisals of the property, arm's length transactions
2. Cost estimate for improving the property to residential use, preferably two

J. Darrow mentioned that the estimates from people with proper licenses

3. A second estimate of demolition costs with a more detailed breakdown.

K. Ellsworth asked about a cost for moving the house

Staff explained that moving the building was already determined to not be feasible for moving by the applicant's representative at an earlier meeting.

J. Darrow stated for the record that he did not appreciate being misled about the tenancy of the building. He would like to know what the costs of rent for both residential and commercial occupants would be.

S. Edwards asked Mr. Zuwiya how much he rented the building for.

Mr. Zuwiya stated he couldn't rent it because no one wants to rent it.

Staff explained that he should provide the Commission with evidence to that effect in writing.

Staff asked K. Ellsworth to restate for the record what information they are requesting from Mr. Zuwiya so that they can issue a decision in regard to the hardship application.

K. Ellsworth stated the information below, if provided, would establish a record necessary for issuing a decision in regard to the application at the December 4, 2018 Regular CAUD Meeting.

Staff indicated they would assist the applicant in clarifying the information needed.

PUBLIC COMMENT:

- Jay Zuwiya speaking on behalf of the application
- No other comments received

VOTING

MOTION: To table the hardship application until the following information is presented from the applicant.

- 1) Two appraisals from licensed appraisers as to the value of the property (arm's length transactions)**
- 2) At least one other quote, preferably two, for the conversion of the building into residential use**
- 3) Verification that individuals submitting the quote are licensed to perform construction work in the City of Binghamton**
- 4) Another quote to demolish the building, again with verification that the demolition contractor is licensed to do the associated work**
- 5) Values of the rent that were charged to the last two commercial occupants of the building and what is the proposed rent for residential use.**

FIRST: K. Ellsworth

SECOND: J. Darrow

VOTE: PASSED (5-0-0)

AYE(S): N/A	NAY(S): N/A	ABSTENTION(S): N/A
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BUSINESS ITEMS		
ADDRESS: 8 Riverside Drive		CASE NUMBER: CAUD-2018-90
DESCRIPTION FROM AGENDA: Certificate of Appropriateness		
DISCUSSION POINTS & THOSE SPEAKING:		
<p>Staff presented the findings in the Staff report. Staff mentioned that since all the information was present, if the applicant would not mind combining the administrative application with the application before the Commission.</p> <p>The applicant stated that that was fine.</p> <p>In regard to the windows, the applicant explained that snow was a component of the issue.</p> <p>J. Darrow disclosed that although he knew the applicant, he does not believe he has a conflict of interest.</p> <p>Staff asked about reorienting the decking on the front of the building so that the tongue on the boards faces west.</p>		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ Gerald Putnam speaking on behalf of the application ▪ No letters received 		
VOTING		
MOTION: To approve the application as presented with the following recommendation.		
1) The replacement floorboards feature tongues facing west so as prevent further deterioration.		
FIRST: J. Darrow	SECOND: P. Klosky	VOTE: PASSED (5-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

BUSINESS ITEMS		
ADDRESS: 60 Court Street		CASE NUMBER: CAUD-2018-91
DESCRIPTION FROM AGENDA: Certificate of Appropriateness		
DISCUSSION POINTS & THOSE SPEAKING:		
<p>Staff presented all findings in the staff report.</p> <p>Casey CoolBaugh spoke about moving into the space. He explained that the depiction of the flags and vinyl were finalized.</p> <p>He explained that the stainless steel sign did not need to be painted. It could be backlit with green LEDs.</p> <p>He stated they were still figuring out the window decals.</p> <p>K. Ellsworth asked about the other backlit signs on the building.</p> <p>Staff explained other signs on the building are backlit.</p>		

P. Klosky asked about the proportions of the sign in relation to the signboard on the building, specifically the aspect ratio.

K. Ellsworth said it should be more rectangular.

C. Coolbaugh pointed the Commission to the dimensions rendering.

P. Klosky indicated he liked that aspect ratio presented there.

PUBLIC COMMENT:

- Casey CoolBaugh speaking on behalf of the application
- No letters received.

VOTING

MOTION: To approve the main, unpainted stainless steel sign, above the primary entrance to the business division.

FIRST: J. Darrow	SECOND: P. Klosky	VOTE: PASSED (5-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

BUSINESS ITEMS

ADDRESS: 321 Water Street	CASE NUMBER: CAUD-2018-92
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DESCRIPTION FROM AGENDA: Certificate of Appropriateness

DISCUSSION POINTS & THOSE SPEAKING:

Susan Sherwood introduced the project. She presented information about the three distinct portions of the building that comprises the site.

Ms. Sherwood indicated the center block has a substantial crack in the masonry. She also spoke about the proposal is to replace the failed flat roof.

She spoke about replacing the decking in the roof.

She spoke about the membrane surface being either TPO or modified SMS type membrane.

She then spoke about the masonry crack and the concern it raised with the 2100 sq. ft. roof deck.

She spoke about the views available when on the roof. She explained the material selected for the roof deck would be the black locust wood.

She spoke about how neither phases will physically impacted the building. She also stated that the project had full SHPO approval.

J. Darrow asked K. Ellsworth if there were any concerns about the project from and engineering perspective. K. Ellsworth said there was none.

K. Ellsworth recused himself.

J. Darrow made a motion to recuse K. Ellsworth.

<p>The motion was seconded by M. E. Mauro. S. Edwards, M. E. Mauro, P. Klosky, J. Darrow in favor (4-0-0)</p> <p>J. Darrow, stepped in as Vice Chair. M. E. Mauro made a motion to appoint J. Darrow as Chairman, pro-tem. The motion was seconded by S. Edwards M.E. Mauro, S. Edwards, J. Darrow, P. Klosky in favor. Motion passed.</p>		
<p>PUBLIC COMMENT:</p> <ul style="list-style-type: none"> ▪ Susan Sherwood spoke on behalf of the application ▪ No letters received 		
<p>VOTING</p>		
<p>MOTION: To approve the application as presented.</p>		
<p>FIRST: J. Darrow</p>	<p>SECOND: S. Edwards</p>	<p>VOTE: PASSED (5-0-0)</p>
<p>AYE(S): All</p>	<p>NAY(S): All</p>	<p>ABSTENTION(S): All</p>

J. Darrow made a motion for K. Ellsworth to resume as chairman.
M. E. Mauro seconded the motion.
S. Edwards, P. Klosky, J. Darrow, M. E. Mauro in favor
Motion passed.

BUSINESS ITEMS		
<p>ADDRESS: 89 Court Street</p>	<p>CASE NUMBER: CAUD-2018-93</p>	
<p>DESCRIPTION FROM AGENDA: Certificate of Appropriateness</p>		
<p>DISCUSSION POINTS & THOSE SPEAKING:</p> <p>The applicant was not present at the meeting.</p>		
<p>PUBLIC COMMENT:</p> <ul style="list-style-type: none"> ▪ The applicant was not present at the meeting. ▪ No letters received 		
<p>VOTING</p>		
<p>MOTION: To table the application until the applicant is present.</p>		
<p>FIRST: J. Darrow</p>	<p>SECOND: M. E. Mauro</p>	<p>VOTE: PASSED (5-0-0)</p>
<p>AYE(S): All</p>	<p>NAY(S): None</p>	<p>ABSTENTION(S): None</p>

BUSINESS ITEMS		
<p>ADDRESS: 67 Ridge Street</p>	<p>CASE NUMBER: CAUD-2018-94</p>	
<p>DESCRIPTION FROM AGENDA: Certificate of Appropriateness</p>		
<p>DISCUSSION POINTS & THOSE SPEAKING:</p> <p>Mike Ponticiello produced a brief summary of the overall project need.</p>		

He indicated the current tower is beyond its useful life. He spoke about the other tower sites that have been replaced in the County.

He indicated the current system has poor interagency communication capabilities.

He provided an overview of the existing sites and how the microwave system was being updated as well.

He spoke about the public meeting that was held in October 2018. He emphasized three key takeaways from that meeting.

1. The access drive: He discussed the access road and that residents expressed a desire for a different path. He said that County did not have any preference in regard to the access road and that they would defer to the City on this issue.

2. Co-location of other service providers (cellular carriers): He explained that the primary purpose of the tower was for safety communication but if another party was interested the tower could be used in for that purpose. He said that if a carrier was interested they would have to come back to CAUD or at least the Mayor's Office to get approval and also the County for FCC approval. He said that although the capacity for other use was present, the primary purpose of the tower was for safety.

3. Lighting of the tower: He explained that residents wanted the tower to be lit. With red or white lights. He explained that the tower is below FAA regulations for the lighting of towers. He explained it is the County's intent to comply with the guidelines and not light the tower.

He mentioned the full minutes had been provided to CAUD.

Jim Dickens presented the site conditions.

He showed the existing tower and the new 195 foot tower and the equipment shelter and the backup generator. He indicated the site would be approximately .06 of an acre. He mentioned that the access road would only be used once or twice a year. He mentioned the old building could be abandoned and removed.

He showed where the proposed access roads were placed.

He showed the existing site conditions.

He showed the proposed footprint and mentioned keeping the existing trees and the planting of news trees.

He showed what a typical proposed tower would look like.

Ed wright of C&S presented the coverage maps and the importance of the Ely Park Site. He mentioned that Motorola would be the radio provider. He noted how the coverage map changed with the new tower and without it.

J. Darrow mentioned that P. Kloksy had to leave (1:22pm)

K. Ellsworth asked about the access road.

J. Darrow mentioned that at the last meeting the issue appeared to be the access road.

K. Ellsworth asked for clarification of the two proposed routes.

M. Ponticello noted the distinction between the two routes, green and red.

He mentioned the golf course management preferred the red route while the green route was the preferred route by the residents. The red route avoided the golf course entirely.

M. Ponticello indicated that both paths are current trails.

J. Darrow asked about the existing trails.

M. Ponticello spoke about how the County currently access the site.

S. Edwards asked why this was before the Commission.

K. Ellsworth explained that the Commission had to review new construction on public property.

Staff mentioned that the SEQR question should be resolved at the current meeting.

K. Ellsworth asked if County Planning would be involved and who would approve the site plan?

M. Ponticello explained that for this project the City Engineer would be involved. At other sites, the County issued its own permits.

K. Ellsworth explained that it would make sense for SEQR to be performed by the Agency reviewing the site plan.

Staff mentioned that regardless of the outcome of the SEQR process, the Commission still had its own independent review.

Counsel spoke with K. Ellsworth briefly.

K. Ellsworth discussed setting a clear record. He discussed having a motion to defer lead agency to the County.

K. Ellsworth spoke about the Certificate of Appropriateness process.

He indicated that the Commission would look for any visual assessments done.

M. Ponticello mentioned that the question had been answered in the Q&A sheet given to the Commission at the meeting.

Staff mentioned that Commission would need time to review those questions and answers.

K. Ellsworth wanted to know about the other sites considered.

M. Ponticello mentioned that was explained under question 2.

Staff mentioned that it should be explained for the tower and the path.

N. O'Neil asked if any consideration been given to locating the tower not on public property.

M. Ponticiello explained that some other locations were considered but that the Ely Park site was ideal from an RF perspective.

He mentioned modeling the state office building.

Staff asked if that N. O'Neil if he meant locations on private property.

N. O'Neil expressed that that is what he meant.

M. Ponticiello stated that the Tower did not have to be in Ely Park but that City owns all the land around it.

K. Ellsworth spoke about the site plan.

K. Ellsworth asked about the new equipment building. Ed Wright mentioned that it would be a pre-fabricated concrete building.

J. Darrow asked if this project had been pre-approved.

Staff indicated it had not.

Staff asked about the Question number 5 in the Q&A. Specifically, if the golf course had been evaluated for listing on the National Register of Historic Places as historic designed landscape. Staff explained that the consultant who performed the cultural resources assessment could address that question and the Commission could request SHPO comment in regard to that as well.

M. Ponticiello said he couldn't speak to that level of detail but he could take the question back.

R. Murphy asked about the designer of the golf course.

Staff mentioned that the golf course had connections to work relief programs under FDR administration.

N. O'Neil asked how the determination of "no impact" to the golf course was made.

M. Ponticiello explained that was determined by tower and access road not being placed on the golf course and that construction was originally planned to not take place during the construction season.

J. Dickens explained that, presently, the site is accessed through the golf course grounds.

K. Ellsworth asked when the County's preferred timeline was.

M. Ponticiello indicated they were ready to go.

Staff explained that the County would now seek the Commission's input as part of the SEQR process. Staff mentioned that the comment period was 30 days and that the next CAUD meeting is December 4.

K. Ellsworth comments should be prepared and agreed upon at the next CAUD meeting to provide to the County at the next CAUD meeting.

J. Berling asked if any sightline/visibility analysis had been performed from the Golf Course, specifically would users of the course be able to see the tower.

M. Ponticiello indicated that users of the golf course would be able to see the new tower just as they are able to see the current tower.

J. Berling said this tower was significantly taller.

M. Ponticiello said it was taller but that the new infrastructure would be screened more effectively, but the tower would be visible.

N. O' Neil asked what other locations were considered for alternate locations.

M. Ponticiello explained the State Office building was fully modeled and other sites were examined but that the Ely Park site offered the ideal coverage area.

N. O'Neil stated that he wondered if any of the other locations would have had a more substantial impact on the golf course.

M. Ponticiello explained that definitely would have occurred as the other locations were lower in elevation so the tower would have had to have been made taller.

Staff mentioned that if the existing equipment building was to be demolished CAUD would have to review that as well, separately.

M. Ponticiello explained that the County had no preference in regard to the existing structure and whatever the City wanted is fine. He explained that whatever the City's wished were, they had to be part of this project.

M. Ponticiello mentioned the golf course operator wanted it removed.

Staff mentioned the operator of the golf course wanted to attend the meeting today, but was unable to do so due to illness. Staff mentioned that he would like to attend future meetings.

K. Ellsworth asked if there were any further comments.

M. Ponticiello explained that SEQR letters would be going out today or tomorrow and if there were any follow-up questions to please send them in writing and replies will be sent in writing.

Staff explained the Q&A sheet would be sent out to the Commission for their review.

PUBLIC COMMENT:

- Mike Ponticiello (Director of Emergency Services Broome County), Chuck Rogers (Broome County Public Safety Systems Supervisor), Jim Dickens and Ed Wright (C&S Engineering), speaking on behalf of the application
- No letters received

VOTING

MOTION: To defer lead agency status under SEQR to the Broome County Office of Emergency Services.

FIRST: J. Darrow	SECOND: M. E. Mauro	VOTE: PASSED (4-0-0)
AYE(S): ALL	NAY(S): None	ABSTENTION(S): None

SEQR DETERMINATIONS		
ADDRESS: 21 Milford St.		CASE NUMBER: CAUD-2018-97
DESCRIPTION FROM AGENDA: Determination of Historical Significance for Demolition		
DISCUSSION POINTS: See below		
VOTING		
MOTION: Motion to declare CAUD as Lead Agency for historic review purposes.		
FIRST: K. Ellsworth	SECOND: J. Darrow	VOTE: (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None
MOTION: Motion to declare the action as an Unlisted Action.		
FIRST: K. Ellsworth	SECOND: M. E. Mauro	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None
MOTION: The Commission then reviewed all relevant SEQR criteria and found no or small impact for each. Motion to issue a Negative Declaration. No on all criteria, voice vote.		

BUSINESS ITEMS		
ADDRESS: 21 Milford St.		CASE NUMBER: CAUD-2018-97
DESCRIPTION FROM AGENDA: Determination of Historic Significance for Demolition		
DISCUSSION POINTS & THOSE SPEAKING:		
J. Darrow asked if the building was in the floodplain.		
M. Scarinzi said it was not.		
J. Darrow said he did not see anything that indicated the building met the Commission's criteria.		
M. Scarinzi presented the application.		
Staff explained that there were no findings that appeared to meet the criteria.		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ Margaret Scarinzi, Broome County Land Bank Executive Director, speaking on behalf of the application ▪ No letters received 		
VOTING		
MOTION: To issue a Negative Determination of Historical Significance.		
FIRST: J. Darrow	SECOND: M. E. Mauro	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

SEQR DETERMINATIONS		
ADDRESS: 3 Valley Street		CASE NUMBER: CAUD-2018-95
DESCRIPTION FROM AGENDA: Determination of Historical Significance for Demolition		
DISCUSSION POINTS: See below		
VOTING		
MOTION: Motion to declare CAUD as Lead Agency for historic review purposes.		
FIRST: K. Ellsworth	SECOND: J. Darrow	VOTE: (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None
MOTION: Motion to declare the action as an Unlisted Action.		
FIRST: K. Ellsworth	SECOND: J. Darrow	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None
MOTION: The Commission then reviewed all relevant SEQR criteria and found no or small impact for each. Motion to issue a Negative Declaration. No on all criteria, voice vote.		
FIRST: K. Ellsworth	SECOND: M. E. Mauro	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

BUSINESS ITEMS		
ADDRESS: 3 Valley Street		CASE NUMBER: CAUD-2018-95
DESCRIPTION FROM AGENDA: Determination of Historic Significance for Demolition		
DISCUSSION POINTS & THOSE SPEAKING:		
R. Murphy presented the application.		
Staff mentioned no findings appeared to meet the criteria.		
PUBLIC COMMENT:		
<ul style="list-style-type: none"> ▪ R. Murphy, Executive Director, City of Binghamton Office of Economic Development, speaking on behalf of the application ▪ No letters received 		
VOTING		
MOTION: To issue a finding of No Historic Significance.		
FIRST: J. Darrow	SECOND: M. E. Mauro	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

SEQR DETERMINATIONS		
ADDRESS: 133 Susquehanna Street		CASE NUMBER: CAUD-2018-96
DESCRIPTION FROM AGENDA: Determination of Historical Significance for Demolition		
DISCUSSION POINTS: See below		

VOTING		
MOTION: Motion to declare CAUD as Lead Agency for historic review purposes.		
FIRST: K. Ellsworth	SECOND: J. Darrow	VOTE: (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None
MOTION: Motion to declare the action as an Unlisted Action.		
FIRST: K. Ellsworth	SECOND: J. Darrow	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None
MOTION: The Commission then reviewed all relevant SEQR criteria and found no or small impact for each. Motion to issue a Negative Declaration. No on all criteria, voice vote.		
FIRST: K. Ellsworth	SECOND: J. Darrow	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None

BUSINESS ITEMS	
ADDRESS: 133 Susquehanna Street	CASE NUMBER: CAUD-2018-96
DESCRIPTION FROM AGENDA: Determination of Historic Significance for Demolition	
DISCUSSION POINTS & THOSE SPEAKING:	
R. Murphy presented the application.	
Staff mentioned no findings appeared to meet the criteria.	
R. Murphy mentioned that his office was working with PAST.	
PUBLIC COMMENT:	
<ul style="list-style-type: none"> ▪ R. Murphy, Executive Director, City of Binghamton Office of Economic Development, speaking on behalf of the application ▪ No letters received 	
VOTING	
MOTION: To issue a finding of No Historic Significance.	
FIRST: J. Darrow	SECOND: M. E. Mauro
AYE(S): All	NAY(S): None
VOTE: PASSED (4-0-0)	
ABSTENTION(S): None	

Other Business
<ul style="list-style-type: none"> • No action could be taken on the September 25, 2018 Meeting Minutes. • Staff asked that the Commissioners review the new Sexual Harassment Policy and provide him with signed receipt forms.

ADJOURNMENT

MOTION TO ADJOURN		TIME: 1:57 p.m.
FIRST: J. Darrow	SECOND: M. E. Mauro	VOTE: PASSED (4-0-0)
AYE(S): All	NAY(S): None	ABSTENTION(S): None.