



LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Giovanni Scaringi, Ph.D., City Council President
Janine Faulkner, City Clerk

COUNCIL OF THE CITY OF BINGHAMTON
Business Meeting Agenda
City Hall, 38 Hawley Street, Binghamton, NY 13901
Wednesday, November 1, 2023

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ACKNOWLEDGEMENTS AND RECOGNITIONS

V. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Approval of Minutes

Approve the Minutes from the October 18, 2023 Business Meeting, and the October 23, 2023 Special Business Meeting.

City Council Finance Committee: Scanlon (Chair), Strawn, Friedman

No items to report.

City Council Planning & Community Dev. Committee: Resciniti (Chair), Scanlon, Friedman

No items to report.

City Council Municipal & Public Affairs Committee: Strawn (Chair), Resciniti, Riley

No items to report.

City Council Public Works/Parks & Recreation Committee: Resciniti (Chair), Scanlon, Riley

No items to report.

City Council Employees Committee: Strawn (Chair), Resciniti, Burns

No items to report.

City Council Rules & Procedures/Special Studies Committee: Scanlon (Chair), Strawn, Friedman

No items to report.

VI. APPROVAL OF APPOINTMENTS

VII. PUBLIC HEARING

1. The City of Binghamton will hold a public hearing regarding RL23-222 "Rezoning 9 parcels between Robinson Street and Walter Avenue from I-3 Heavy Industrial to C-1 Service Commercial"

Residents wishing to submit comments may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.gov or in-person during the meeting. For any questions, please contact the City Clerk's Office at (607) 772-7005.



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VIII. SET PUBLIC HEARINGS

IX. PUBLIC COMMENT/COMMUNICATION

Residents wishing to submit public comment may do so electronically by emailing their comments prior to 1:00pm on the day of the meeting to clerk@cityofbinghamton.gov or in-person during the meeting.

X. REVIEW OF MAYORAL VETO

XI. SECOND READING LEGISLATION

XII. FIRST READING LEGISLATION

A. PREFERRED AGENDA

Introductory Resolution 23-86. Considered in PW/Parks & Recreation: Resciniti

A Resolution authorizing the Mayor to accept funds from Broome County for the First Ward Senior Center Recreation Leader salary for the 2024 Budget Year

B. NON PREFERRED AGENDA

Introductory Ordinance 23-143. Considered in Planning: Resciniti

An Ordinance to amend the Official Zoning Map of the City of Binghamton to rezone 9 parcels between Robinson Street and Walter Ave from I-3 Heavy Industrial to C-1 Service Commercial

XIII. COMMUNICATIONS FROM COUNCIL MEMBERS

1. Scanlon
2. Resciniti
3. Riley
4. Friedman
5. Burns
6. Strawn
7. Scaringi

XIV. ADJOURNMENT



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: November 1, 2023

Sponsored by Council Members: Resciniti, Riley, Friedman, Burns, Strawn, Scanlon, Scaringi

Introduced by Committee: PW/Parks & Recreation

RESOLUTION

entitled

**A RESOLUTION AUTHORIZING THE MAYOR
TO ACCEPT FUNDS FROM BROOME COUNTY
FOR THE FIRST WARD SENIOR CENTER
RECREATION LEADER SALARY FOR THE
2024 BUDGET YEAR**

WHEREAS, the City of Binghamton is eligible to receive funds from Broome County in the amount of \$31,237 to be used for the First Ward Senior Center Recreation Leader salary included in the 2024 Parks & Recreation budget.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby:

RESOLVE that the Mayor of the City of Binghamton, or his designee, is hereby authorized to execute any and all documents, approved as to form and content by the Office of Corporation Counsel, to accept the funds for the First Ward Senior Center Recreation Leader salary for the 2024 budget year in the amount of \$31,237 from Broome County; and that funds will be available in budget line A7620.51000 (Parks&Rec – Personal Services) for this purpose; and be it further

RESOLVED that this resolution will not be effective until the funds have been approved by the Broome County Legislature.

I HEREBY CERTIFY that the above described funds
are unencumbered and available

Chuck Shager, Comptroller



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: November 1, 2023

Sponsored by Council Members: Resciniti, Friedman, Burns, Strawn, Scanlon, Scaringi

Introduced by Committee: Planning

ORDINANCE

entitled

**AN ORDINANCE TO AMEND THE OFFICIAL
ZONING MAP OF THE CITY OF BINGHAMTON
TO REZONE MULTIPLE PROPERTIES
BETWEEN ROBINSON STREET AND WALTER
AVENUE**

WHEREAS, the Planning, Zoning & Historic Preservation Department recommended an amendment to the Code of the City of Binghamton, Chapter 410, *Zoning*, to amend the Official Zoning Map of the City of Binghamton to rezone 4 Montgomery St., Tax Parcel No. 144.84-1-23, 71 Robinson St., Tax Parcel No. 144.83-4-2.1, 75 Robinson St., Tax Parcel No. 144.83-4-5.1, 85 Robinson St., Tax Parcel No. 144.83-4-2.2, 89 Robinson St., Tax Parcel No. 144.84-1-25, 33 Whitney Ave., Tax Parcel No. 144.84-1-4, 35 Whitney Ave., Tax Parcel No. 144.84-1-3, 39 Whitney Ave., Tax Parcel No. 144.84-1-2, and 41 Whitney Ave., Tax Parcel No. 144.84-1-1, from I-3 Heavy Industrial to C-1 Service Commercial; and

WHEREAS, on October 3, 2023, the Planning Commission considered the proposed rezoning, and as a result, recommended the approval of the proposed rezoning as it will allow mixed uses and it did not conflict with the comprehensive plan; and

WHEREAS, on November 1, 2023 City Council held a public hearing regarding the proposed zoning amendments.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That the City of Binghamton Planning Department is hereby directed to amend the Official Zoning Map of the City of Binghamton to rezone 4 Montgomery St., Tax Parcel No. 144.84-1-23, 71 Robinson St., Tax Parcel No. 144.83-4-2.1, 75 Robinson St., Tax Parcel No. 144.83-4-5.1, 85 Robinson St., Tax Parcel No. 144.83-4-2.2, 89 Robinson St., Tax Parcel No. 144.84-1-25, 33 Whitney Ave., Tax Parcel No. 144.84-1-4, 35 Whitney Ave., Tax Parcel No. 144.84-1-3, 39 Whitney Ave., Tax Parcel No. 144.84-1-2, and 41 Whitney Ave., Tax Parcel No. 144.84-1-1 from I-3 Heavy Industrial to C-1 Service Commercial as attached in the attached map.

Section 2. That this Ordinance shall take effect immediately.

SEQRA

Chair of Planning Committee Reads:

The following SEQRA motions are in reference to the legislation before us, Introductory Ordinance 23-03 entitled “An ordinance to amend the official zoning map of the City of Binghamton to rezone multiple properties between Robinson Street and Walter Avenue”.

1. I make a Motion to declare City Council as Lead Agency for a proposed amendment to the Official Zoning Map of the City of Binghamton to rezone nine (9) parcels including
 - 4 Montgomery St., Tax Parcel No. 144.84-1-23,
 - 71 Robinson St., Tax Parcel No. 144.83-4-2.1,
 - 75 Robinson St., Tax Parcel No. 144.83-4-5.1,
 - 85 Robinson St., Tax Parcel No. 144.83-4-2.2,
 - 89 Robinson St., Tax Parcel No. 144.84-1-25,
 - 33 Whitney Ave., Tax Parcel No. 144.84-1-4,
 - 35 Whitney Ave., Tax Parcel No. 144.84-1-3,
 - 39 Whitney Ave., Tax Parcel No. 144.84-1-2, and
 - 41 Whitney Ave., Tax Parcel No. 144.84-1-1,
 from I-3 Heavy Industrial to C-1 Service Commercial to better reflect neighborhood character and allow dwelling units to be included in any future development.

Motion made by _____,

Second _____,

All in favor (majority required)

2. I make a Motion to list the proposed action as an “Unlisted” action under SEQRA.

Motion made by _____,

Second _____,

All in favor (majority required)

3. I make a Motion to issue a negative declaration under SEQRA for the following reasons:

The proposed action is the rezoning of 9 parcels from industrial to commercial. The rezoning is supported by the comprehensive plan and reflects the uses already located at this site. The rezoning will allow mixed uses, the majority of which are significantly less intensive than the heavy industrial uses currently permitted. Less than 25 acres are being rezoned, therefore this is an Unlisted action.

The lead agency has reviewed an Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

- The proposed action is recommended by the Comprehensive Plan and will not conflict with any zoning regulations.
- The proposed action will not impair the character or quality of the existing community.
- The proposed action will not have an impact on a Critical Environmental Area.
- The proposed action will not impact traffic or infrastructure, energy use, or water and sewer infrastructure.
- The proposed action will not negatively impact important historic resources.

- The proposed action will not result in an adverse impact to natural resources, erosion and flooding, or human health, and many of the hazardous uses currently permitted in the I-3 Heavy Industrial District will no longer be permitted.

Motion made by _____,

Second _____,

Full Roll Call Vote (majority required)

After SEQRA: Introduce & approve the legislation, roll call vote.

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Project Number: None

Date: **June 23, 2023**

This Notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The City of Binghamton City Council as lead agency has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Rezoning of 9 Parcels near the intersection of Robinson St and Whitney Ave

SEQR Status: Type 1
 Unlisted

Conditioned Negative Declaration: Yes
 No

Description of Action:

Rezoning of 9 Parcels near the intersection of Robinson St and Whitney Ave from I-3 Heavy Industrial District to C-1 Service Commercial District.

Location: **Robinson St and Whitney Ave**, Binghamton, Broome County, New York

Reasons Supporting This Determination:

The proposed action is the rezoning of 9 parcels from industrial to commercial. The rezoning is supported by the comprehensive plan and reflects the uses already located at this site. The rezoning will allow mixed uses, the majority of which are significantly less intensive than the heavy industrial uses currently permitted. Less than 25 acres are being rezoned, therefore this is an Unlisted action.

The lead agency has reviewed an Environmental Assessment Form and the criteria contained in 6 NYCRR 617.7 (c) to identify the relevant areas of environmental concern, thoroughly analyzed the identified relevant areas of environmental concern, and determined that the action will not have a significant adverse impact on the environment for the following reasons:

- The proposed action is recommended by the Comprehensive Plan and will not conflict with any zoning regulations.
- The proposed action will not impair the character or quality of the existing community.
- The proposed action will not have an impact on a Critical Environmental Area.
- The proposed action will not impact traffic or infrastructure, energy use, or water and sewer infrastructure.
- The proposed action will not negatively impact important historic resources.
- The proposed action will not result in an adverse impact to natural resources, erosion and flooding, or human health, and many of the hazardous uses currently permitted in the I-3 Heavy Industrial District will no longer be permitted.

For Further Information

Contact Person: Giovanni Scaringi, President
 City of Binghamton City Council

Address: City Hall
 38 Hawley Street
 Binghamton, NY 13901

Telephone Number: 607-772-7005 (City Clerk's Office)

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

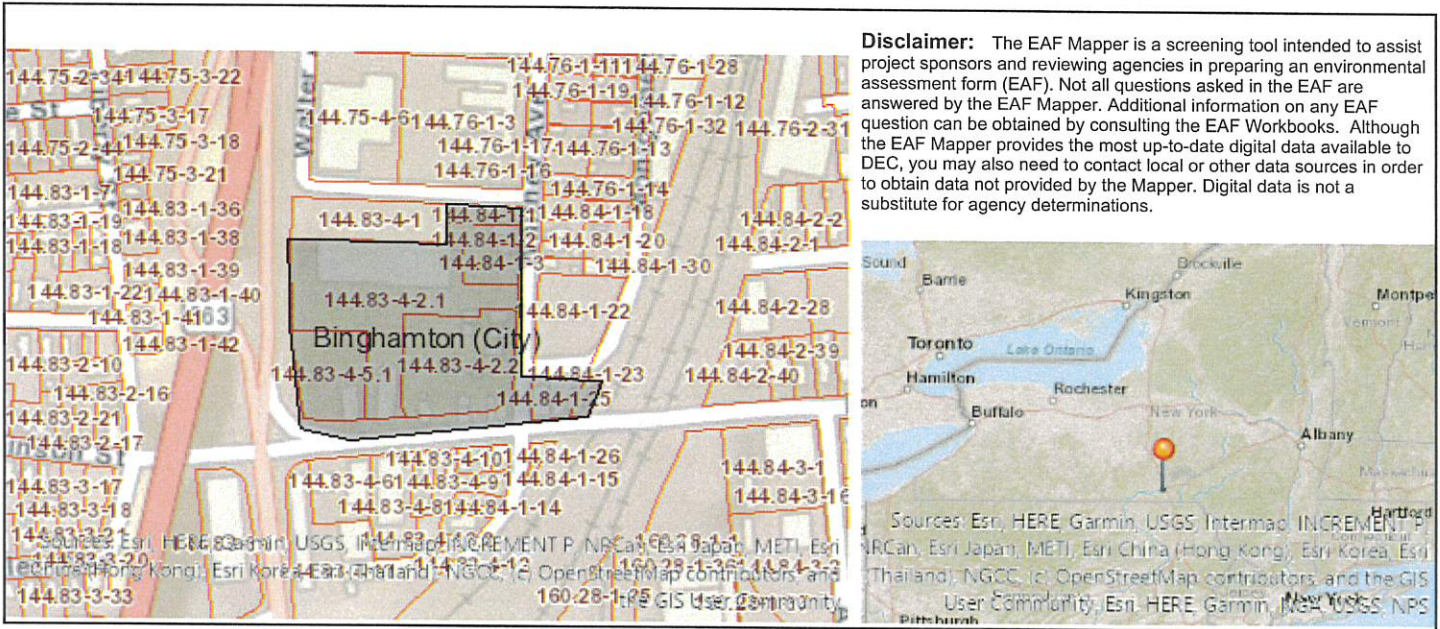
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Rezoning of Robinson St and Whitney Ave			
Project Location (describe, and attach a location map): Robinson St and Whitney Ave			
Brief Description of Proposed Action: Rezoning 9 parcels at the intersection of Whitney Ave and Robinson St from I-3 Heavy Industrial to C-1 Service Commercial.			
Name of Applicant or Sponsor: City of Binghamton		Telephone: 6077722028	
		E-Mail: planning@cityofbinghamton.gov	
Address: 38 Hawley St			
City/PO: Binghamton		State: NY	Zip Code: 13901
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ acres			
b. Total acreage to be physically disturbed? _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Tito Martinez</u> Date: <u>10-2-2023</u> Signature: _____ Title: <u>Assistant Dir. of Planning</u>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes