



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

*Hadassah Mativetsky, City Council President*

*Sarah Dinhofer, City Clerk*

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## **COUNCIL OF THE CITY OF BINGHAMTON**

### **Business Meeting Minutes**

**City Council Chambers, 38 Hawley Street, Binghamton, NY 13901**

**6:00 PM Wednesday, May 8, 2024**

#### **I. CALL TO ORDER**

At 6:02 by President Mativetsky

#### **II. PLEDGE OF ALLEGIANCE**

Led by President Mativetsky

#### **III. ROLL CALL**

Present: Porter, Middleton, Cavanaugh, Hotchkiss, Mativetsky, Kosty, Dundon

Also Present: Sarah Dinhofer (City Clerk), Sophie Bergman (Corporation Counsel)

#### **IV. REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES**

1. Approval of Business Meeting Minutes from 4/24/2024
  - a. Motion: Middleton
  - b. Second: Dundon
  - c. All in Favor
2. Reports from Committees
  - a. Finance: CAUD considering several demolition permits. BLDC Business Planning competition in progress; BLDC able to award a few more façade grants from original applications. New tenants at Charles St. Business Park; recently held ribbon-cutting ceremony, looking to develop several parcels
  - b. BURA: Stadium lease was transferred to new owners of Rumble Ponies

#### **V. APPOINTMENTS**

1. 6<sup>th</sup> District CDAC: Joanne Jones – born and raised on South Side of Binghamton, moved back here 60 years ago. Brings nearly 30 years of professional financial experience; currently serves as VP of commercial lending at Tioga State Bank, as well being a judge for the City's Business Plan Committee for last 5 years. CM Kosty believes Jones will be a great asset; lucky to have her

#### **VI. SET PUBLIC HEARINGS**

1. The City of Binghamton will hold a Public Hearing regarding RL 24-72 A Bond Ordinance to finance construction of improvements and upgrades to the Terminal Pumping Station at the Joint Sewage Treatment Plant
2. This Public Hearing will take place at 6PM during the May 22, 2024 regular City Council Business Meeting in City Council Chambers, 38 Hawley Street, Binghamton NY. Residents wishing to participate in Public Hearings may do so electronically by emailing their comments prior to 1:00PM on the day of the meeting to [clerk@cityofbinghamton.gov](mailto:clerk@cityofbinghamton.gov) or in-person during the meeting.



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## VII. PUBLIC HEARING

1. Public Hearing regarding RL 24-82 A resolution to hold a public hearing for NYSHCR grant
  - Motion to close: Porter
  - Second: Dundon
  - All in Favor
2. Public Hearing regarding RL24-84 A resolution authorizing a special noise variance for Abel's Pub live music events
  - Dan Fairchild, Binghamton resident: Lives about 8 houses from bar. Doesn't mind music once in a while, but volume is so loud in house even with television on. Notes enclosure created by Abel's is inadequate for soundproofing, shows Council pictures of structure. Comments effects on quality of life; has called City and Mayor about issue. City is supposed to have 5 noise ordinance officers and calibrated machine, but does not. Has volunteered as a retiree to perform service on City's behalf. States effects of 1 night per week has been understated by supporters
  - Kim Wexel, Binghamton resident: Lives near bar; states Marty and Patty (owners) are neighbors to the bar and are personally invested in success of neighborhood. Owners are first to come to assistance of neighbors in need and fundraise for community events. Points out Rec Park also has summer music entertainment every Sunday in August. Would be a shame to take away events; considering national issues, states need for these types of events
  - Stephen Peyton, Binghamton resident: Lives near bar, doesn't have any issues with owners – believes they are trying to make a living and provide services to residents. Backyard is about 100 feet from sound system – noise is not enjoyable from his residence, has had to purchase white noise machine due to noise during nighttime hours
  - Mary Robertson, Binghamton resident: States Westside is diverse, active, and benevolent. Abel's is an integral and contributing member of community, not a frat house, nuisance property, or after-hours club. For a short period of time every year, residents can enjoy live outdoor music. Not much time for outdoor activities in Binghamton considering weather. All similar events (walks, runs, etc.) are disruptive, but important to community. Minor inconvenience to a few is outweighed by benefit to many
  - John Reno, Johnson City resident: Plays in a band at Abel's playing classic rock and blues and is careful to stay at respectful volume. Notes soundproofing is present around stage. Not a lot of places where local bands can play in Binghamton. Also plays music Tues/Fri/Sat in JC – music is always off by 10PM
  - John Gorman, Binghamton resident: Lives near bar; can hear music from back porch, but it isn't thumping or very loud. States owner runs a good establishment, has a good heart, works very hard on his business. Considering music is just 1 night/week and schedule is presented to everyone ahead of time, residents can plan ahead
  - Diane Fairchild, Binghamton resident: Feels there is a needs for compromise. Can hear music loud and clear in window, has neighbors who are ill or have to work at 5AM. Building isn't sufficient to



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- hold in sound. Notes noise ordinance language stating right to enjoy own property. States that Abel's is requesting long period of time – 6 months. Should compromise to 1x/month instead or consider other solutions, considering that it is residential, not commercial district
- Patty Stantz, Binghamton resident: As co-owner of bar, was only notified anonymously last year by letter of issue with noise ordinance. Since notification, efforts have been made to address potential issue: further enclosure, soundproofing tiles, tarps, closing openings, etc. Modifications have been expensive, but continue to be underway. Hopes Council will support efforts, considering all the time spent on this bar and efforts made to comply with ordinance. Invites neighbors to come talk to Marty and herself to talk through any issues. Willing to have monthly neighborhood meetings to check in with everyone and hear concerns (CM Middleton: Invites participation in Westside Neighborhood Monthly Meeting)
  - Marty Stantz, Binghamton resident: Owns bar, sent video to Council demonstrating improvements within enclosure. Lives nearby with children. Originally purchased Abel's and neighboring parcels as blighted, eyesore property and restored (Pine Lounge). Opened in fall of 2010 and since then, Abel's has been main source of income. Abel's is neighborhood bar – always comply with police. Sponsor many various local organizations and charities: BHS Basketball, YMCA Softball League, JCC Basketball, Noah Farrelly, BHS Harper M. Stantz Scholarship, St. Patrick's 4-Miler, Harper Stantz 10k, ALS Fundraiser, Harvest for Hunger, American Cancer Society, etc. During COVID, Broome County and Binghamton were encouraged to utilize outdoor spaces, so this was part of effort to comply with recommendations. After being made aware of issue by anonymous complaint, met with Clerk's Office, CM Middleton, and BPD to demonstrate efforts to increase soundproofing and follow proper guidelines moving forward
  - Colton Emmett, Binghamton resident: Nephew of and lives with owners. States Abel's is integral part of and invested in Westside community. Sunday mornings, Patty cooks free soup – many come just for that. Nice to see older adults dancing while also able to bring younger friends. Maintains that any dense neighborhood would have noise
  - Chris Bresky, Binghamton resident: Lives 5 houses from Abel's, isn't bothered by noise. Owners would help anyone who walks through doors and have done so much work on property, deserve to be applauded for work on blighted property. Bresky doesn't like noise from lawnmowers in early mornings, but deals with it. Maintains that part of living in a community is dealing with some undesired noise. There may have been music that went after 10PM in past, but issue has been taken care of
  - Pat Dunham, Binghamton resident: Lives down the block, not sure if supportive or not supportive – thinks some bands are too loud. States leaving neighborhood would mean City would lose taxpayer money. Believes Abel's needs to supervise noise levels of bands better
  - Molly Shea, Binghamton resident: Lived down the block for 2 years and has resolved issues with owners easily by speaking to them directly, suggests other neighbors do the same
  - Motion to close hearing: Middleton
    - i. Second: Porter



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ii. All in Favor

*\*Comments submitted via email and submitted petition are appended at end of minutes.*

### VIII. PUBLIC COMMENT

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](mailto:clerk@cityofbinghamton.gov) or in-person during the meeting.

- John Solak, Binghamton resident: References recent sale of Binghamton Mets being labelled a “public-private partnership”. Asks if anyone on Council has current contract for Stadium. New owners of team plan to hold live music events, unlike in the past. States companies like LiveNation would’ve paid much more for that kind of contract, potentially also improving space, as concerts will bring in massive revenue. Asks Council if contract is with league or team owner? Maintains it shouldn’t be difficult to gain access to this information. Discusses police moonlighting being out of control – Sheriff and wife have private detective agency, Undersheriff Davis has consulting company that works with school resource officers, retired County Jail director has agency booking school officers, Captain Bidwell has private consulting security company. States officers working in Intelligence Center are also all working for Bidwell privately, questions whether City data is being used for private profit. Suggests if police need higher salaries to work without outside influence, City should negotiate for that
- Anna Warfield, Binghamton resident: Hasn’t been at Council meeting since last summer regarding parking ramp and related housing development to speak about need for affordable housing. States that, at the time, local businesses were prompted by leaders in government to submit letters on behalf of aforementioned project. Would like to clarify position: works in arts as independent contract and as artist – feels Arts are brought into conversations when convenient. 2 organizations Warfield used to be employed by (LUMA and Broome County Arts Council) were invited to write in favor of project, but implication was that employees would be able to afford rental units being proposed. Even with executive position within cited organizations, salary would not have been enough to reside in proposed units. Asserts that even lowest income residents need homes. Warfield currently resides in apartment, but will be priced out due to 60% rent increase from new ownership. Previous landlord, Conti, was able to purchase property from County foreclosure auction by stating intent to create young professional/artist-focused housing, then sold for profit and left community. Directs Council’s attention to Good Cause Eviction law passed in NYS state legislature which requires opt-in from communities, advocates necessity for further tenant protection
- Aviva Friedman, Binghamton resident: Was at work session on Monday and saw RL proposing adding homelessness as protected class. Feels further clarity may be necessary – those experiencing homelessness would not be allowed extra rights, would only create a category by which someone cannot be discriminated against, e.g. sex, race, disability. Is in favor of legislation, considering current occurrences of discrimination and abuse, difficulty in obtaining employment, etc.



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## **IX. FIRST READING LEGISLATION**

### **Introductory Resolution R24-35. Considered in Municipal and Public Affairs: Middleton.**

A Resolution authorizing a special noise variance for Abel's Pub live music events

Motion to move to top of agenda: Cavanaugh

Second: Dundon

Vote: 7-0-0-0

Motion: Middleton

Second: Porter

Discussion: CM Hotchkiss comments it is nice to see so many people that are in favor of Abel's Pub, but also empathizes with those who are seeking peace at home. Acknowledges there have been efforts by the owners to address noise, expects work to continue on soundproofing. CM Middleton comments that Abel's is in 2<sup>nd</sup> district, has heard both sides. Has spoken to owners and sees that they care about their community. Hopes to be involved in conversations and any issues that come up going forward. Emphasizes need to work together in small community like Westside. CM Cavanaugh notes, as owner of business in a residential district that personal qualities/charity of owners should not be determining factor. Points out precedent created by other similarly-placed bars, such as Belmar, with no soundproofing installed – is glad to see soundproofing efforts made by Abel's. Believes reasonable accommodations are being made to accommodate neighbors while conducting business. Hopes to see Abel's comply with details of permit date/times. Also hopes to update outdated noise ordinance section in Charter, points out City Administration's failure to maintain compliance/training for enforcement. CM Mativetsky appreciates input from constituents and fellow Councilmembers, points out variance would only last for 1 year – non-compliance would impact future votes. Agrees with CM Cavanaugh that ordinance must be updated and enforceable

Vote: 7-0-0-0

### **Introductory Ordinance O24-31. Considered in Planning: Hotchkiss**

An Ordinance to amend the 2019 and 2020 HUD admin & housing budget for consolidation of unused lines for spending on housing program

- Motion: Hotchkiss
- Second: Porter
- Discussion: CM Cavanaugh notes that this money is still available for consolidation because City did not do a good job at notifying residents of available rental assistance funds
- Vote: 7-0-0-0

### **Introductory Ordinance O24-33. Rules and Procedures/Special Studies: Hotchkiss**

An Ordinance to amend Charter Section 26-9 to clarify legislative sign out process

- Motion to return to committee: Hotchkiss
- Second: Dundon
- Vote: 7-0-0-0

### **Introductory Ordinance O24-34. Considered in Finance: Cavanaugh**

An Ordinance to amend the 2024 Budget to increase Professional Services for appraisal services by decreasing Contingency

- Motion: Hotchkiss



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- Second: Dundon
- Discussion: CM Cavanaugh notes preference to bring back bill later in year when the line is depleted, particularly considering issue is due to budgeting mistake
- Vote: 5-2-0-0
- Nay: Cavanaugh, Kosty

### **Introductory Ordinance O24-36. Considered in Planning: Hotchkiss**

An Ordinance to rescind portion of O6-46

- Motion: Hotchkiss
- Second: Dundon
- Discussion: CM Cavanaugh notes this instance is example of need to track deed restrictions for follow-up
- Vote: 7-0-0-0

### **Introductory Ordinance O24-37. Considered in Planning: Hotchkiss**

An Ordinance to rescind portion of O23-155

- Motion: Hotchkiss
- Second: Cavanaugh
- Vote: 7-0-0-0

### **Introductory Ordinance O24-39. Considered in Planning: Hotchkiss**

An Ordinance to amend Ch. 410 Zoning to address below-grade amenity spaces in multi-unit dwellings

- Motion: Hotchkiss
- Second: Middleton
- Motion to holdover: Cavanaugh
- Second: Kosty
- Vote: 7-0-0-0

### **Introductory Ordinance O24-40. Considered in Finance: Cavanaugh**

An Ordinance authorizing the BJCSB fiscal officer to prepay credits based on the 2023 estimated final bill at 85% with final 15% to be paid after ratification of the final bill

- Motion: Cavanaugh
- Second: Porter
- Vote: 6-1-0-0
- Nay: Dundon

### **Introductory Resolution R24-31. Considered in Planning: Hotchkiss**

A Resolution authorizing the Mayor to enter into an agreement with the First Ward Action Council for use CVY45 and CVY46 CDBG funds in an amount not to exceed \$577,190 to support the development of affordable housing

- Motion: Hotchkiss
- Second: Porter
- Discussion: CM Cavanaugh notes that this is first phase of funding, will be used to garner further outside funding. Believes project will create anchors for neighborhood stabilization – happy to support. CM

City Hall ▪ 38 Hawley Street ▪ Binghamton, NY 13901 ▪ [www.cityofbinghamton.com](http://www.cityofbinghamton.com)

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Hotchkiss comments general support of mission of First Ward Action Council, but also believes other potential developers should be given same opportunities for funding affordable housing projects, such as Southern Door Community Land Trust – hopes to see greater equity in future development

- Vote: 7-0-0-0

### **Introductory Resolution R24-32. Considered in Planning: Hotchkiss**

A Resolution authorizing the City of Binghamton to submit an application for funding from Empire State Development Corporation Restore New York Communities Initiative Round 8

- Motion: Hotchkiss
- Second: Dundon
- Discussion: CM Hotchkiss reiterates this proposal would look to create about 30 market-rate apartments at \$1600/1bed, \$2200/2bed – same building had previously received grant years ago, but never came to fruition and building has since deteriorated significantly. CM Porter asks if applicant has taken ownership yet; CM Hotchkiss response no, site control has not been taken and plans are very preliminary. Further notes that following resolution supports First Ward Action Council for same grant. While it would be good to preserve historical building, very hesitant to support competing applications when affordable housing is top priority; CM Porter agrees. CM Cavanaugh notes support of both this application and the County's application on behalf of FWAC, but believes it is unlikely both would be awarded grant, considering smaller total disbursement this year. CM Kosty relates situation to baseball: you get a better shot going up to bat twice than once. CM Porter reiterates importance of focusing on point of greatest need. CM Dundon relates situation to job application process – believes N Depot project will not advance due to being in such early planning stages, but would prefer having two chances to receive grant over one. CM Hotchkiss points out risk that FWAC may not receive funding as a result of N Depot application, also notes that FWAC track record is significantly better than Yonaty/Blye. Notes that developers were asked to include affordable rate units which would be accompanied by extra funding – request was denied. CM Middleton notes need to refer to housing as luxury-rate. CM Mativetsky comments she is thankful to be considering grants for housing, as that is greatest need in City – would prefer commitment to at least workforce housing rate be included. CM Cavanaugh states he would like to send along letter denoting affordable housing as first priority as individual Councilmember; CM Middleton agrees, but questions effectiveness. Also notes that developers are unlikely to receive funding due to preliminary nature of planning, will likely need to return to Council for PILOT in order to fully fund if they are able to advance; CM Dundon agrees. CM Hotchkiss notes preference for developers to make commitment to affordable housing at beginning of planning process
- Vote: 4-3-0-0
- Nay: Porter, Middleton, Hotchkiss

### **Introductory Resolution R24-33. Considered in Planning: Hotchkiss**

A Resolution supporting Broome County's application for funding from Empire State Development Corporation Restore New York Communities Initiative Round 8

- Motion: Hotchkiss
- Second: Dundon



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- Discussion: CM Cavanaugh states he will be submitting a letter to accompany applications
- Vote: 7-0-0-0

### **Introductory Resolution R24-34. Considered in Public Works and Parks: Dundon**

A Resolution authorizing the Mayor to accept a CREST grant from DASNY in the amount of \$150,000 for renovation of the restrooms and administrative lobby at Ross Park Zoo

- Motion: Dundon
- Second: Porter
- Discussion: CM Mativetsky expresses happiness at seeing funding for necessary updates; has brought up potential issues around auto-flush toilets for children/individuals with sensory issues
- Vote: 7-0-0-0

### **Introductory Resolution R24-36. Considered in Public Works and Parks: Dundon**

A Resolution authorizing the Mayor to enter into an agreement with NYSDOT for Route 11 Wall Replacement Project D265276

- Motion: Dundon
- Second: Porter
- Vote: 7-0-0-0

### **Introductory Resolution R24-37. Considered in Finance: Cavanaugh**

A Resolution to request authorization for an Occupancy Tax

- Motion: Cavanaugh
- Second: Dundon
- Motion to amend language to replace 1<sup>st</sup> instance of “for the promotion of tourism, cultural programs, parks and recreation and critical infrastructure and capital improvements necessary to support those items” with “for use within the City of Binghamton”: Hotchkiss
  - Second: Porter
  - Vote: 5-2-0-0
  - Nay: Dundon, Kosty
- Motion to amend language to replace 2<sup>nd</sup> instance of “for the promotion of tourism, cultural programs, parks and recreation and critical infrastructure and capital improvements necessary to support those items” with “for use within the City of Binghamton”: Hotchkiss
  - Second: Porter
  - Vote: 5-2-0-0
  - Nay: Dundon, Kosty
- Discussion: CM Middleton comments that occupancy taxes are not uncommon. CM Mativetsky adds that Mayor will be including letter of support, follow-up resolution will be needed, and fund needs to designated. CM Hotchkiss notes preference to address affordable housing with revenue
- Vote: 7-0-0-0

## **XI. COMMUNICATIONS FROM COUNCIL**





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- Hotchkiss: Block party on Liberty St coming Saturday at 12PM hosted by Healthy Lifestyles at Lee Barta Community Center including mural painting and other activities, encourages attendance. Will be working to see how food cart viability within Binghamton can be improved. Has asked Commission for Conservation of the Environment to look into potential solutions outside of blue bags. Notes previous public comment by Solak around need for artist-focused housing; references comments made by artists that choice of Binghamton for residence was level of affordability vs. NYC. Can't have Arts District without artists
- Kosty: Shares concerns regarding protection of unhoused status; may incentivize dependency and discourage personal initiative. Believes this may lead to an uptick in loitering, decrease property values, and affect local businesses. Quotes Reagan: "The nine most terrifying words in the English language are: 'I'm from the government and I'm here to help.'"
- Porter: First Ward is having a neighborhood meeting on Tuesday (5/14) at 6PM at Woodrow Wilson Elementary on Prospect St; John Westgate from code enforcement will be attending, encourages residents to attend
- Middleton: Thanks everyone for attending public hearing, will continue to communicate with neighbors on this issue. Had 1<sup>st</sup> Westside Neighborhood Meeting of 4/25, was very positive, thanks CM Hotchkiss's sister (Emily) for setup assistance. Congratulates Clerk Dinhofer on coming birthday
- Cavanaugh: Wishes graduating students well
- Mativetsky: Mayor put out call to encourage reporting potholes – has been continually driving around district daily to report and photograph potholes, can be seen on social media. Heard concerns often while campaigning and takes them seriously. Has been learning about water hearings. Ross Park on 5/12 will be having free admission for moms on Mother's Day and will be having a special event. 5/18, they will be having a "Luke the Lemur" race and Family Fun Run. Discovery Center has Friday free admission night on 5/17, can check website for details, and Bookfest on May 18th -- free with library card from 10AM-2PM

### **XII. ADJOURNMENT**

Adjourned at 9:02PM: Middleton

Second: Kosty

All in Favor

Blake Westbrook  
Binghamton Resident

I'm sorry but will be unable to make the hearing for the Noise Variance application submitted by Abel's Pub.

My name is Blake Westbrook and I reside at 76 Rotary Ave., about a 1/2 block up the street from Abel's. I just want to go on record as stating I have NO objection to the city granting Abel's Pub the Noise Variance for the months of May through October that they have applied for.

Thank you for the opportunity to share my opinion on this matter.

Steve and Joann Seltzer  
Residents of Binghamton

To City of Binghamton representative,

My wife and I reside at 63 Kneeland Ave. which is approximately 400 feet from Abel's. We have lived there for over 20 years.

The music that Marty has playing there does not bother us at all. Even when our children were younger and living at home it did not bother them either.

Even though you can hear the music from our house, it is not intrusive and does not interfere with our normal routines while at home in the evenings.

We love hearing the music and even walking over there to watch the bands on the weekend. We also enjoy porch fest where they block off a part of Seminary on that given Sunday. We also enjoy the music from rec park on Sunday afternoons in the summer as well as the Harper Stantz festival.

We are for the variance to be given to Abel's to let the music continue to play on the weekends at night.

Andy Horowitz  
Resident of Binghamton

Please allow Abel's to continue its tradition of providing West-Siders with great music!

Daniel Fairchild  
Resident of Binghamton

My name is Daniel Fairchild I live on Rotary Ave. There has been many complaints about the loud music from Abel's pub. I have done some research and have found out the city has no noise ordinance personnel. I have contacted our mayor to no avail. And want to know why the city of Binghamton has no noise ordinance personnel. I spoke with the city deputy clerk, being retired I have offered my services at no charge to perform this act for the entire city.

Mark D. Bowers, Joan M. Bowers and Joshua D. Bowers  
Residents of Binghamton

To whom it may concern:

With respect to the Public Hearing scheduled for 5/8/2024 regarding the Special Noise Variance for Abel's Pub we offer the following comment.

As residents of 59 Rotary Ave. (approximately three doors away from Abel's Pub) we would like to see the hours for this variance restricted to 6:00pm to 10:00pm weekends only, which would include Friday night. Currently, music after these hours is very disturbing to the peace of our home. Restricting these hours would be helpful!

Maria Foy Maddison  
Resident of Binghamton

To Whom It May Concern:

I am writing on behalf of my employers and lifelong friends Marty and Patty Stantz. I can truthfully say that they are some of the best people I know! When they purchased the old Pine Lounge and transformed it into a clean safe place for locals to mingle and enjoy each other's company, they did it in a way that creates great community and friendship! Young and old alike are able to enjoy the fruits of their labor.

A huge part of that enjoyment is the music that they share with us! Marty and Patty have done extensive work to ensure that the sound of the outdoor music is maintained within the property. They are extremely respectful to everyone they meet and always have been! Anyone that knows them is blessed!

Please consider thoughtfully and respectfully grant the petition for Marty and Patty to continue the outdoor music at Abel's Pub! Allow them to continue to build the community that they are such an intricate part of!

Diane Fairchild  
Resident of Binghamton

My name is Diane Fairchild and I reside in the west side of Binghamton and I would like to voice my opinion about the noise variance application. First of all we have noise ordinance in the city that states "it is the public policy of the city that every person is entitled to ambient noise levels are not detrimental to life, health and ENJOYMENT OF HIS OR HER PROPERTY. As property owners we are entitled to that. Having a variance that allows for outdoor music 6 months of the year is unacceptable. This is a residential neighborhood. Not everyone works Monday to Friday with weekends off. The music is way too loud. Maybe a better solution would be to continue to have it inside or to construct a more permanent building so other residents do not hear it. There are residents here that are sick, elderly and their rights should be considered. The application also states that "the sound will not cause unreasonable disturbance to the neighborhood". Let us be the judge of that. I spoke to the Mayor who told me he could hear it at his house. The owners have done a wonderful job of the rehabilitation of the building, however maybe a compromise of a special event a couple of times a year. We realize that variances have been given for downtown areas but not for this length of time and they are not in a residential area. Thank you.



Kevin Smith  
Resident of Binghamton

Hello,

I am writing this letter to voice my support for Mr. Martin (Marty) Stantz owner of Abel's Pub, to be allowed to play live outdoor music.

I am a graduate of Seton Catholic Central and have always admired the way Marty brings people together. His benefit music festival for the residents of the City of Binghamton, held in memory of his daughter each year at Recreation Park, is a testament to his good character and kind nature.

Since his ownership of Abel's pub many years ago, it has been a reunion of sorts for high school friends and west side neighbors to gather at his place particularly in the summer months to listen to music. Nice weather is in shortage here in Binghamton, and it's so enjoyable to be outside breathing clean air in the summer and listening to good music.

His neighborhood establishment is in a perfect area on the west side and all his patrons are respectful of the houses and properties near by.

My aunt lived on Rotary Ave before she was placed in an assisted living facility, and she would frequently join her nieces and nephews at Abels to listen and dance to the live music.

I am respectfully asking that Abel's Pub maintains the ability to play outdoor music. If you have any questions or would like to speak with me I can be reached at 607-725-4795.

Joseph J Mahon  
Resident of Binghamton

To Whom It May Concern:

I do not support the noise variance for Abel's Pub. The noise from past events could be heard inside my home with the windows closed impacting the enjoyment of my property.

Thank you for your consideration.

Julia Flaherty  
Homeowner 40 Kneeland Ave.  
[juliaf0619@aol.com](mailto:juliaf0619@aol.com)

Good morning;

I have lived in the neighborhood since before Abel's opened, I have gone to bed with the windows open and the music has lulled me to sleep.

Over the years they have had live music many times and I enjoy listening to it. Full disclosure, I can only hear it if I am outside or have the windows open and then it's just the music I hear; I may recognize the song I can't make out the words.

I support Abel's application.

As I write this I am listening to the neighbors big, constantly barking, dog(s) with their humans yelling at them; I would much rather be listening to some music!

Carter S. Breski  
Resident of Binghamton

Good Evening,

I am a resident of the westside neighborhood and live 5 houses down from Abel's Pub. I am writing this in support of Abel's Pub and keeping live music on the weekends. Live music brings in so many people to make so many memories, and the complaints of surrounding neighbors who have nothing better to do than complain and ruin everyone's fun should not ruin this. Abel's respects the quiet hours after 11pm on the weekends unless the bands wants to play an encore song. Overall, I don't think music should be banned from Abel's let alone, should Marty Stantz get penalized for this issue. The Stantz family has brought so much to the westside community and would be a shame if the courts went thru with the decision of banning live music.

Dan & Kathy Pfaffenbach  
Residents of Binghamton

We are unable to attend the hearing on the noise variance for Abel's pub. On May 3rd, 2024 there was a band at Abel's, the music was very LOUD. With our windows closed we couldn't hear the t.v. With the summer months approaching and our windows open the sound of the music would drown out anything in this house. This is a residential area where we pay taxes and don't want to be subjected to the music on weekends. If we want to listen to music we can play our own. If the variance means the decibels can be louder than they were, we are NOT in favor of this. If the decibels are low enough where we are not subjected to hearing the music we are fine with it. It is bad enough that we have to listen to the fowl language, noise, and fights when the patrons leave, we don't want to be subjected to the loud music. Who is going to monitor the noise from the city? If we call the police, which is our only recourse, will they respond? Will our city council representative respond? I doubt it. Someone has to be responsible for the noise control, who will that be? If we as neighbors could be given contact information on who to contact when the music is too loud and that person will respond in a timely manner ( not hours from when a call is made, but immediately) then we can reproach the noise variance. Until then we are NOT in favor of this variance.

Luciano Pasquale  
Resident of Binghamton

To Whom It May Concern,

Abel's Pub is a staple of the west side of Binghamton, as is the live music they provide from time to time. It would be egregious to stop such a place from providing that type of atmosphere to it's patrons. Please consider letting them continue to provide live music!

David Alig  
Resident of Binghamton

Abel's Pub has been around since 1967 and is a great place to meet family and friends. The list of people that have met their spouse there is endless. It is owned by a great couple that endlessly give back to the community. Not allowing them to have music playing outside would be a travesty. I hope that you would allow the bands to play on. Thank you.

Costa Sakellariou (retired professor)  
Resident of City of Binghamton

Regarding the petition of Abel's Pub for a "Special Noise Variance"...

I ask the City Council members, would they be in favor of a bar in the neighborhood in which they live being granted a noise variance for half a year? Would their summer time experience be enriched by having to listen to other peoples' music when sitting in their yards at night...or even trying to sleep with the sounds of bar music?

Abel's pub is the latest iteration of the former Pine Lounge...which was well known in the neighborhood as a cop/fireman bar...The answer how a bar was ever zoned by the City of Binghamton in the middle of a West Side neighborhood is lost in history, and belongs with other questionable choices made by this city like installing Social Services opposite Binghamton High school...So ok, the bar is grandfathered in, and is allowed to continue functioning...but to ask for a noise variance which will be at the expense of all of their neighbours is the height of arrogance.

If they are allowed to play more music and louder from May until October, then the City Council is not working in the interest of those of us who live and pay taxes here!



Aditya Haridas Kaliath, MD, MS, CAS  
Resident of Binghamton

Dear Members of the City Council,

I am writing to express my support for Abel's Pub, located at 65 Rotary Ave, Binghamton, NY 13905, in response to the recent complaints about late-night music. As a professor at Binghamton University and a resident living next to the pub, I have firsthand experience of the atmosphere and community that Abel's fosters.

Owned and operated by Marty Stantz and his family, Abel's Pub is a cornerstone of our neighborhood, known for its positive vibe and the camaraderie it encourages among its patrons. The Stantz family has consistently demonstrated their commitment to our community through their kindness and active participation in neighborhood welfare.

The music and ambiance provided by Abel's are integral to its character and appeal. It serves as a vital social venue where students, locals, and visitors alike can relax and enjoy a friendly environment. The issues regarding noise, while noted, should be viewed in the context of the numerous benefits that Abel's contributes to our community.

I believe that the role of Abel's Pub in enhancing our community's social life is significant. It is a place that brings people together, creates bonds, and fosters a spirit of unity and enjoyment. As such, I support the continuation of its current operations, including the hosting of night music.

I appreciate your consideration of this matter and trust that you will recognize the value that Abel's Pub adds to our community.

May 2, 2024

Binghamton City Council,

CC: Binghamton Mayors Office, WBNG News, Press & Sun/Gannett Co.

Regarding Abel's Pub:

Forever Abel's has been known as a tiny, whole in the wall bar that serves old men and the under aged. In the past few years, it has become a concert venue. I love music, BUT not **blasted** into my home.

I own 61 Kneeland Ave and can lay in bed and hear every guitar lick, drum beat and song lyric and it's unacceptable. The bar is in a residential neighborhood, **not downtown**.

1. Did you know on Kneeland Ave there are 3 children with severe Autism? Every time a band plays (outside at full amp-age) those kids are made to leave their homes or be medicated and wear heavy earphones to block the overstimulation?
2. Did you know on Kneeland Ave we have students that need to study?
3. Did you know on Kneeland Ave we have people that work many shifts and need to sleep between the hours of 7pm-11:30pm?
4. Did you know on Kneeland Ave we have senior citizens that can't hear the TV over the blasting music?
5. Did you know that sweet Mrs. Lewis went home to die surrounded by her family after a 5-year battle with breast cancer and her grandchildren couldn't hear her over the loud music?  
Disgraceful!

I would like my neighborhood...where I LIVE to return to QUIET. **I am a taxpayer and as the property taxes rise the property values are rapidly declining due to the alcohol/drug culture from Abel's.**

I can no longer tolerate being forced to endure the rock concert in my home and knowing the awful affect this has on my autistic neighbors, Thomas, Andrew and Lisa.

It is unconscionable that a permit would be granted that renders property owners HELPLESS. Frankly, the entire process has been daunting and disgraceful. The lack of support from community leaders and the over-patronizing attitude from the City Clerk's office has killed any and all faith I had in our local government. Finding out that a Public Hearing has to be arranged and everyone in a 5-mile radius will be getting **Certified Receipt Required letters** in the mail letting them know about the hearing... So that means as a WORKING TAXPAYER I need to be home to sign for the letter that I am paying for as the WORKING TAXPAYER, but I will not get because I am WORKING to PAY TAXES and the SALARY of those in the very office that are sending them out. HOW is any of this productive, fair, or right? AND my FREEDOM OF SPEECH will be censored as everything needs to be reviewed first. I pay my taxes, I am a law-abiding citizen, I mow my lawn and take care of my property...for what?

Rosemary Arlequin, Kneeland Ave Homeowner and Taxpayer and Registered Voter

Sgt. Francis Flynn  
Binghamton Police Department

All,

**Below in bold is the issue with enforcement. There is no one currently qualified as spelled out in the enforcement in the City Ordinance. In addition the decimeter has not been calibrated in years.**

§ 292-5. Prohibited acts

B. Specific acts considered to be unreasonable noise. Any of the following acts or causes thereof which either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities are declared to be in violation of this chapter and to constitute unreasonable noise:

(11) Any excessive or unusually loud sound which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensibilities.

(14) No person shall cause a portable sound system to be plainly audible at a distance of 50 feet between the hours of 8:00 a.m. and 8:00 p.m., nor may they be plainly audible to anyone other than the operator of the sound system between the hours of 8:00 p.m. and 8:00 a.m. the following day.

C. Maximum permissible continuous sound levels. In addition to those specific prohibitions set forth in Subsection B above, the following general prohibitions regarding continuous sound levels shall apply in determining unreasonable noise:

(1) No person shall make, cause, allow or permit the operation of any source of sound on a particular category of property or any public space or right-of-way in such a manner as to create a sound level that exceeds the particular continuous sound level limits set forth in Table 1 when measured at or within real property line of the receiving property, except as provided in § 292-6.

(2) When measuring noise within a dwelling unit of a multi-dwelling-unit building, all exterior doors and windows shall be closed and the measurements shall be taken in the center of the room.

(3) When measuring noise within the boundaries of a park located within the City of Binghamton, the source noise shall be measured at a distance of 50 feet and the source noise shall violate this section if the rhythmic tones of the source noise are plainly audible to the enforcement officer standing at a distance of 50 feet from the source noise.

**§ 292-7. Enforcement and administration [Amended 09-23-2015 by Ord. No 15-59]**

**A. The noise control requirements established by this chapter shall be administered and enforced severally, separately and jointly by the City of Binghamton Police Department, City of Binghamton Code Enforcement Department and the City of Binghamton Public Works Department and such other employees and/or officials authorized by the Mayor. Violation of any provision of this chapter shall be cause for an appearance ticket to be issued. This chapter is complaint driven and as such requires that a violation hereunder be complained of to either the Binghamton Police Department or the Binghamton Code Enforcement Office before enforcement hereunder may occur. The complaint must describe the violation, and the complaint must provide the enforcement authority with the address of the aggrieved property. The complainant must have some legally recognized interest in the aggrieved property, i.e., including but not limited to ownership or tenancy.**

**B. Qualifications.** A person shall be considered qualified to take noise measurements and to enforce all portions of this chapter, who has satisfactorily completed the Community Noise Enforcement Course offered by the Department of Environmental Sciences of Cook College, Rutgers, the State University, and the required recertification course every two years, or any other accredited course selected by the City Mayor.

**C. The City will keep at least five (5) people certified at all times.**

**However, in NYS Penal Law Disorderly Conduct applies:**

240.20 Disorderly conduct.

A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

2. He makes unreasonable noise

Disorderly conduct is a violation.

NYS Criminal Procedure Law:

S 140.10 Arrest without a warrant; by police officer; when and where authorized.

1. Subject to the provisions of subdivision two, a police officer may arrest a person for:

(a) Any offense when he or she has reasonable cause to believe that such person has committed such offense **in his or her presence.**

**Meaning, in order for a police officer to ticket someone for disorderly conduct, the conduct needs to take place in the officer's presence.**

Please help us keep live outdoor music at Abel's Pub by supporting our variance request Wednesday May 8<sup>th</sup> @6pm in Binghamton City Council Chambers. If you are unable to attend you can help by sending an email of support to: [clerk@cityofbinghamton.gov](mailto:clerk@cityofbinghamton.gov)

Furthermore, if you do not want to attend or send an email, you can sign the petition below.

NAME

1. Molly Shea
2. Kevin Gunkler
3. Maria J. Maddison
4. CHRIS BRESKI 75 ROTARY AVE
5. CHRIS BUGONIAN - FREE MUSIC
6. Mark + Audra Anthony
7. Michael Zukowski
8. Amy Breski
9. Dolly Red Elk
10. Jerry Camuskey
11. Sheila Crocker
12. Tim Crocker
13. Alf P Bull
14. Tom Sorousky



15. Ju ARBOTH
16. Joann Rezuca
17. Marilyn Stantz
18. soul
19. Joshua Scott ~~AK~~
20. Kevin Murksey
21. Tim Hessler
22. Eileen Alesin
23. Holly Reguard
24. Amy Dempsey
25. Kim Wetzel
26. Anne M. Simms
27. Mary Segue
28. ~~Suzanne Dilosa~~
29. ~~AK~~
30. Jane Endres
31. CHRIS TAYLOR
32. Joyce Gubler
33. Mary Robertson
34. FILIP C. BARRIS

35. Mar Speddy

36. Pelyn Hawley

37. John Hooker Hawley

38. Eileen Mallon

39. Tom Holmes

40. Molly Shear

41. Tony Brown

42. Theres Brown

43. ~~Steph Eider~~

44. J m m

45. Joy Mac

46. Jaden Lynch

47. CALEB REYNOLDS

48. Alex Brett

49. Adam Gow

50. MITCH DISTOFANO

51. CHRIS MORGAN

52. Ben Raab

53. John Swavola

54. JULIAN MCMANAMON

55. JASON MCMANAMON

56. Jay Man

57. Zach B. Bogler

58. Chelsey Gue

59. DOUG BAKER

60. DAVID ALIG

61. *[Signature]*

62. *[Signature]*

63. Paul and Greenman 29 Bennett Ave

64. Rylie Greenman - RYLIE GREENMAN

65. James Greenman - MR. Lucky,

66. *[Signature]*

PATRICIA McMANUS

67. Hannah T

68. Kiki Clementine

69. Dan Cury

70. Mark Anthony

71. Carol Guiton

72. PETER FOLEY

73. ROBERT BUCH

52 KNEELAND AVE

11 Westland Ct

693 CHEWINGO ST

86 Crestmoor Road Brey ley

74. CARTER BRESKI

75 ROTARY AVE

75. Miguel Jones

76. Ben Conroy

63 Rotary

77. Anne Holleran

60 Johnson Ave 13905

78. Tina Hofffeld

151 Seminary Ave 13905

79. *[Signature]*

6 Chadwick Rd 13903

80. David Kettle

81. Chelsey Liddle

82. WOZNIAK, DAVID

~~1008 CHEWINGO ST~~

83. Chris Sandler

84. Roy Lachre



85. JAMES S ZERVOS 74 WOODLAND AVE 13903



86. Tara Shadduck

87. Colin Hughes

88. *Sushil Cing*

89. *Mukhal Cing*

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Rena Dixon

Ellie Brennan

Patrick J. Brennan

CT Brennan

Ch. Brennan

Jim Smith

~~Paul Smith~~

~~Patrick J. Brennan~~ (47)

Paul Brennan

Anna Manning

Ellie Brennan

Lynn (A. Brennan)

High Brennan

Ellie Brennan

Deborah Brennan

Amy Kellan

... under  
the Pavilion at ABEL'S Pub. 24

- 1 John Dyer
- 2 Denise Reno
- 3 Kim Pan
- 4 Samuel Lee
- 5 Cora
- 6 Mark
- 7 ~~George~~
- 8 Erle
- 9 Bill
- 10 The Kinest
- 11 Jesse
- 12 Nancy
- 13 ~~John~~
- 14 ~~John~~
- 15 Richard
- 16 Tom
- 17 John
- 18 Carl
- 19 ~~John~~
- 20 ~~John~~
- 21 ~~John~~
- 22 ~~John~~
- 23 ~~John~~
- 24 ~~John~~

WED. May 8th Meeting: City Hall 6:00 PM.



Petition to keep Live Music Outside  
at ABEL'S Pub

24

5/3/24

25 Dolly M Walsh

26 Nick Kocan

5/3/24

27 MADISON BACHKORIS

28 COLBY FINCH

29 KATHY CANNON

30 ERN CANNON

31 Steven Nanni

32 Calin O'Neil

33 Alicia Sheridan

34 ~~John~~

35 ~~Margaret~~

36 ~~Raymond~~

37 Christopher McManus

38 John F. McLaughlin

39 John F. McLaughlin

40 John F. McLaughlin

41 Willie Szegre

42 Barbara Hager

43 Mary Ann

44 Mary Ann

45 Thompson

46 Pam Meyer

2/3/24

47 Bill Meyer

48 RONNIE SEMCRO

M.S.D. ...

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49. JAMES MEACHER 5/3/24

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66 ... 2/3/24

67 ... 2/3/24

68 ... 2/3/24



... to keep Live Outdoor Music  
at ABEL'S Pub.

- 49 Lucas Smith ~~Mike Duvall~~
- 50 Justin Banick
- 51 Mike Duvall
- 52 Robyn Handman
- 53 John Dewby
- 54 Brian Hase 39 Johnson Ave
- 55 Justin Svoboda
- 56 Paul DeRose
- 57 CARTER BRESKI
- 58 John Gorman
- 59 JOHN RANA
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WED. May 8th MEETING; City Hall 6:00.

Petition to keep Live Music Outside  
at ABEL'S Pub.

19

- 73. Max Hordia
- 74. Marie Jones
- 75. Garry Jones
- 76. Ruthie Jack
- 77. John Rodriquez
- 78. NICK CANNON
- 79. Karen CANNON
- 80. Jay GORMAN
- 81. Kelly Gormery
- 82. ~~Edith~~
- 83. ~~Ann~~
- 84. Raymond
- 85. Eileen Mullen
- 86. DENISE MASCIARELLI
- 87. ~~W. J. McNeill~~
- 88. ~~Steve~~
- 89. Gwain Beldgen
- 90. Sylvia Ewans
- 91. Gordon
- 92.
- 93.
- 94.

City Hall 6:00



Petition to keep live Music - Outside  
at ABEL'S Pub.

15

- 97 Linda A. Mellis  
 98 Emily Carpenter 49 Lethrop Ave  
 99 Francis T. Giustolisi  
 100 Warren W. W. W.  
 101 Julie Pitts  
 102 gabriella Casey - Nemo  
 103 Lynn Dee Smith  
 104 Michael LaClair  
 105 Ian P. Albrecht  
 106 Katy Bailey (of Vince)  
 107 Janet Devel  
 108 Tim Behnke  
 109 Rod Black  
 110 Adam Giordanno  
 111 Tom Magnarelli  
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WED. MAY 8th: City Hall: 6:00



Petition to keep Live Music Outside  
at ABEL'S Pub.

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Cynthia Suttiff

121

~~Bud Hue~~

122

~~John Presto Graham~~

123

Samantha masters on

125

Michael Bachtel

126

Garen Cannon

127

~~Tom Gately~~

128

~~Rebecca Stang~~

129

Karen Roseman

131

Jane Stephenson

132

~~Erica~~

133

Kathy Cannon

134

MARK POUSSUR

135

Sarah Cody - Sarah Cody

136

~~John~~

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WED May 8th Meeting City Hall: 6:00

Petition to keep live Live  
Music at ABEL'S Pub.

11

- 150 Andrea Holland - 72 Davis St.
- 151 MATTHEW HOLLAND 72 DAVIS ST.
- 152 Miles Burnett 74 Highland St
- 153 HOWARD BROWN 139 Sen way
- 154 Britney Caserinko 65 Rotary Ave
- 155 cloise Holland 72 Davis St
- 156 Bryan Novitske 13 Minerva Ave
- 157 HRUDAYANGARY MEHTA 45 Cedar
- 157 MOHI MISHRA 13 Crandall
- 158 Christine Wrighter 78 Chestnut St.
- 159 Wayne Gayen 26 Marshall St
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WED MEETING City Hall : 6:00  
MAY 8th