



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
<b>MEETING DATE:</b> June 4, 2024	<b>LOCATION:</b> City Council Chambers, City Hall
<b>CALLED TO ORDER:</b> 5:15PM	<b>RECORDER OF MINUTES:</b> Shalin Patel

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (Chair)	X	
Joseph De Angelo		X
Christopher Dziedzic (Vice chair)		X
Mario DiFulvio	X	
Kyle Nedlik	X	
Kelly Weiss	X	
Emmanuel Priest		X
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Tito Martinez	Assistant Director, Planning Department	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Robert Heary	Corporation Counsel	

APPROVAL OF MINUTES		
<b>MOTION</b> to approve the May 2, 2023 meeting minutes as written		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

SEQR DETERMINATIONS		
<b>ADDRESS:</b> 225 Chenango St	<b>CASE NUMBER:</b> PC-2024-0013	
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the establishment of an Industrial Cannabis Business in an existing industrial building in the C-6 Limited Neighborhood Commercial District		
<b>APPLICANT:</b> Eric Rundels		
<b>REPRESENTATIVE(S):</b> Not present		
<b>DISCUSSION POINTS:</b>		
VOTING		
<b>MOTION</b> to TABLE the meeting until the July meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>SEQR DETERMINATIONS</b>		
<b>ADDRESS:</b> 23 Henry St		<b>CASE NUMBER:</b> PC-2024-0014
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit to convert the upper-stories of an existing mixed-use building into a multi-unit dwelling with 12 units and 48 total bedrooms in the C-2 Downtown Business District		
<b>APPLICANT:</b> Steven Vassallo		
<b>REPRESENTATIVE(S):</b> Steven Vassallo (managing member), Anthony Rojas (Architect, in-Architects)		
<b>DISCUSSION POINTS:</b>		
<ul style="list-style-type: none"> <li>▪ Existing 5 story building (Type 3B construction, built in 1890) – approximately 5,000 sq ft per floor</li> <li>▪ Burger Monday (existing commercial tenant will remain as is) located on first floor</li> <li>▪ At present, floors 2-5 consists of student housing and will remain as such – 1 unit per floor with 14 beds on each level.</li> <li>▪ The applicant would like to convert to 3 units per floor with 4-to-5-bedroom arrangement in each unit totaling 12 units and 52 beds through floors 2-5.</li> <li>▪ The project is part of a historic tax credit – part 1 already approved, at present the application is in a part 2 process.</li> <li>▪ The owner owns two adjacent parcels that are used for parking – going forward the intent is to keep it as parking to support this project (Rojas).</li> <li>▪ 28 total parking spaces are required for the residential use – current parking lots provide 33 spaces.</li> <li>▪ Dumpster enclosure will remain and will be used by both commercial and residential tenants.</li> <li>▪ Existing utility vault in the basement has structural issues – needs steel repairs, hence the sidewalk adjoining to the access will be teared down and will be replaced in kind.</li> <li>▪ As it stands, the building is currently inaccessible (little less than 8in step to enter the 1<sup>st</sup> floor) – proposing to add handicap ramp along the sidewalk, since there is already an elevator in the building, it would make the units handicap accessible.</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> that the Planning Commission intents to act as Lead Agency in SEQR review and that the action is Type II under SEQR		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Choose an item.	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> to schedule a public hearing at the July regular meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Choose an item.	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 181, 185, 187 & 205 Clinton St; 2 & 7 Hudson St; 9 Slauson Ave		<b>CASE NUMBER:</b> PC-2024-0007
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and Special Use Permit for the construction of a 110' tall telecommunications tower and associated antennas in the I-2 Light and Medium Industrial District.		
<b>APPLICANT:</b> The Metro Group Properties, Inc.		
<b>REPRESENTATIVE(S):</b> Robert McKertich (Attorney, Coughlin & Gerhart LLP), Steven Sanyshyn (Project Engineer, Delta Engineers), Dustin Welch (Project Architect, Passero Architects and Engineers)		
<b>DISCUSSION POINTS:</b>		

- The applicant has made the following changes to the site plan upon request from the Planning Commission:
  - Different phases of the project are directly shown on the site plan
  - Lighting plan for the parking on the Slauson Ave parking lot is included in the site plan
  - In addition, a SHPO letter was received by the applicant demonstrating there was no impact to the historical or archeological resources.
- **Commissioner (Nedlik) asked** to clarify the number of parking spots available for the project
  - **Representative (Sanyshyn) replied**, there will be maximum of 305 parking spots. 292 parking spaces will be for all the residents in the housing portion, while 13 spaces will be allocated to commercial tenants.

**PUBLIC COMMENT:**

- **Mark Gee (resident at 249 Oak St) spoke about the project and asked questions regarding management of the property.** Mr. Gee had following to say: who will be responsible for managing that large of a property and its tenants? There is no good track record for responsible management of those type of buildings.

**APPLICANT RESPONSE TO PUBLIC COMMENT:**

- **Robert McKertich commented**, in the design there will be an office located in the building for an onsite manager, whose job will be to manage the property, troubleshoot problems that may arise with the tenants or the neighbors. The manger will be managing all the operations (garbage disposal, landscaping, etc.). The city staff will have direct access to this person.

**VOTING**

**MOTION** to issue a negative declaration under SEQR

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

**Full Environmental Assessment Form Part 2.** (To be completed by the lead agency). Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

<b>TYPE OF ACTION:</b> Type I: 6-NYCRR <a href="#">617.5(B)</a> 5	<b>LEAD AGENCY:</b> Planning Commission
---	---

*The Chairman should make a motion to (1) declare intent to act as lead agency, and to (2) define the type of action under SEQR. The Chairman should then open the public hearing or set the date for the public hearing on the case. Following the closing of a public hearing, the Chairman should lead a discussion evaluating the following potential impacts.*

<b>1. Impact on land.</b> Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site.	<b>YES</b> <input checked="" type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
<b>2. Impact on Geological features.</b> The proposed action may result in the modification or destruction of, or inhibit access to, any unique or	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input checked="" type="checkbox"/>

unusual landforms on the site (e.g., cliffs, dunes, minerals, fossils, caves)?		
<b>3. Impacts on Surface Water.</b> The proposed action may affect one or more wetlands or other surface waterbodies (e.g., streams, rivers, ponds or lakes).	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>4. Impact on Groundwater.</b> The proposed action may result in new or additional use of ground water, or have the potential to introduce contaminants to ground water or an aquifer.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>5. Impact on Flooding.</b> The proposed action may result in development on lands subject to flooding.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>6. Impact on Air.</b> The proposed action may include a state regulated air emission source.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>7. Impact on Plants and Animals.</b> The proposed action may result in a loss of flora or fauna.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>8. Impact on Agricultural Resources.</b> The proposed action may impact agricultural resources.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>9. Impact on Aesthetic Resources.</b> The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>10. Impact on Historic and Archeological Resources.</b> The proposed action may occur in or adjacent to a historic or archaeological resource.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>11. Impact on Open Space and Recreation.</b> The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>12. Impact on Critical Environmental Areas (CEAs).</b> The proposed action may be located within or adjacent to a CEA.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>13. Impact on Transportation.</b> The proposed action may result in a change to existing transportation systems.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>14. Impact on Energy.</b> The proposed action may result in an increase in the use of any form of energy.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>15. Impact on Noise, Odor, and Light.</b> The proposed action may result in an increase in noise, odors, or outdoor lighting.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

<b>16. Impact on Human Health.</b> The proposed action may have an impact on human health from exposure to new or existing sources of contaminants.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>17. Consistency with Community Plans.</b> The proposed action is not consistent with adopted land use plans.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>18. Consistency with Community Character.</b> The proposed action is inconsistent with the existing community character.	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>FEAF PART 3 - DETERMINATION OF SIGNIFICANCE.</b> Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.		
<b>BASED ON THE ABOVE, MOTION:</b>	Negative Declaration	
<b>MOTION</b> to allow an increase of 2% in lot coverage, from 70% maximum allowed to 72%		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and conditionally approved, subject to the following: <ul style="list-style-type: none"> <li>▪ Required variance(s) must be approved by the Zoning Board of Appeals</li> <li>▪ Project approval is good for 2 years; an extension for further time can be filed directly with the Planning department assuming there are no changes to the approved plans.</li> </ul>		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 274 Front St	<b>CASE NUMBER:</b> PC-2024-0008
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the conversion of an existing residential building into a multi-unit dwelling with four one-bedroom units in the C-1 Service Commercial District.	
<b>APPLICANT:</b> First Ward Action Council	
<b>REPRESENTATIVE(S):</b> Mark Parker (Keystone Associates), Jamie Lee Berkeley-Hartjen (Keystone Associates)	
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ A garbage plan was requested by the Planning Commission from previous meeting, the representative (<b>Parker</b>) stated that garbage cans will be taken to the curb on garbage days</li> <li>▪ The applicant does not want to acquire an easement to share parking lot and driveway with 276 Front St since both properties are owned by the same owner, but if it is a request from Planning Commission, the applicant will acquire one (<b>Parker commented</b>).</li> <li>▪ No other changes were made</li> <li>▪ <b>Commissioner (Weiss) opposed</b> putting the trash out to the curb, as it is not appealing to the</li> </ul>	

character and does not seem to work well.

**VOTING**

**MOTION** for negative declaration

**FIRST:** Corcoran

**SECOND:** DiFulvio

**VOTE:** Carried (4-0-0)

**AYE(S):** Corcoran, Weiss, Nedlik,  
DiFulvio

**NAY(S):**

**ABSTENTION(S):**

**SEAF PART 2 IMPACT ASSESSMENT.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available. When answering the questions the reviewer should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”

**TYPE OF ACTION:** Unlisted

**LEAD AGENCY:** Planning Commission

*The Chairman should make a motion to (1) declare intent to act as lead agency, and to (2) define the type of action under SEQR. The Chairman should then open the public hearing or set the date for the public hearing on the case. Following the closing of a public hearing, the Chairman should lead a discussion evaluating the following potential impacts.*

	NO OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
Will the proposed action result in a change in the use or intensity of use of land?	✓	
Will the proposed action impair the character or quality of the existing community?	✓	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	✓	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	✓	
Will the proposed action create a hazard to environmental	✓	

resources or human health?		
<b>EAF PART 3 - DETERMINATION OF SIGNIFICANCE.</b> For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.		
<b>BASED ON THE ABOVE, MOTION:</b>		<b>Negative Declaration</b>
<b>MOTION</b> that the requirements for Site Plan Review have been met and therefore the application has been met and approved.		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 249-251 Front St	<b>CASE NUMBER:</b> PC-2024-0009	
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the construction of a multi-unit dwelling with four one-bedroom units and an ancillary parking area in the R-3 Multi-Unit Dwelling District.		
<b>APPLICANT:</b> First Ward Action Council, Inc <b>REPRESENTATIVE(S):</b> Mark Parker (Keystone Associates), Jamie Lee Berkeley-Hartjen (Keystone Associates)		
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ There will be an addition of a canned corral for trash in the rear of the property (Parker)</li> <li>▪ Submission of a landscape plan</li> <li>▪ Representative(s) discussed with the applicant to place the gazebo and the playground on another site</li> <li>▪ Both properties are owned by the First Ward Action Council but under different entities, so the applicant would rather look to acquire an easement rather than combining both parcels into one (Parker, Berkeley-Hartjen)</li> </ul>		
<b>PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ <b>A call received from a neighbor (Timothy Christian) at 253 Front St, in opposition of the project.</b> Mr. Christian talked about the following: the proposed building will not fit within the lot, which is too small. The proposed building will be right up against his property, tenants at his property already have problems getting in/out using the driveway.</li> </ul>		
<b>APPLICANT RESPONSE TO PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ Mark Parker commented, the project will be within the property line and meets all the required setbacks; it will not impede with the neighbor’s property.</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> for negative declaration		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> DiFulvio	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Nedlik, Weiss, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>SEAF PART 2 IMPACT ASSESSMENT.</b> The <u>Lead Agency</u> is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available. When answering the questions the reviewer should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”		
<b>TYPE OF ACTION:</b> Unlisted	<b>LEAD AGENCY:</b> Planning Commission	
<i>The Chairman should make a motion to (1) declare intent to act as lead agency, and to (2) define the type of action under SEQR. The Chairman should then open the public hearing or set the date for the public hearing on the case. Following the closing of a public hearing, the Chairman should lead a discussion evaluating the following potential impacts.</i>		
	<b>NO OR SMALL IMPACT MAY OCCUR</b>	<b>MODERATE TO LARGE IMPACT MAY OCCUR</b>
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
Will the proposed action result in a change in the use or intensity of use of land?	✓	
Will the proposed action impair the character or quality of the existing community?	✓	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	✓	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	✓	
Will the proposed action create a hazard to environmental resources or human health?	✓	
<b>EAF PART 3 - DETERMINATION OF SIGNIFICANCE.</b> For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been		



included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<b>BASED ON THE ABOVE, MOTION:</b>		Negative Declaration
<p><b>MOTION</b> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved, subject to the following:</p> <ul style="list-style-type: none"> <li>▪ Applicant must formalize an easement between 249 and 251 Front St parcels for driveway access in the future</li> <li>▪ A revised site plan must be submitted to the Planning department based on applicant’s decision of keeping or removing the gazebo/playground area in the rear of the property</li> </ul>		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Nedlik, Weiss, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

**PUBLIC HEARINGS & FINAL DELIBERATIONS**

<b>ADDRESS:</b> 41 Clinton St	<b>CASE NUMBER:</b> PC-2024-0010
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and special use permit for the construction of a mixed-use building with 3 two-bedroom units, 16 one-bedroom units and 2 ground floor commercial spaces in the C-4 Neighborhood Commercial District.	
<b>APPLICANT:</b> First Ward Action Council, Inc	
<b>REPRESENTATIVE(S):</b> Mark Parker (Keystone Associates), Jamie Lee Berkeley-Hartjen (Keystone Associates)	
<p><b>DISCUSSION POINTS:</b></p> <ul style="list-style-type: none"> <li>▪ Unit count changed from when project was presented in May <ul style="list-style-type: none"> <li>- Went from [3] two-bedroom units and [16] one-bedroom units to [5] two-bedroom units and [14] one-bedroom units</li> </ul> </li> <li>▪ <b>Chair (Corcoran) asked</b> if reconfiguration of the units will affect the applicant’s need for parking? <ul style="list-style-type: none"> <li>- Representative (Parker) commented, looking to satisfy a certain number of accessible needs apartment units, the added accessible unit at this site make sense as it was a better place for it. This means there was a need to add another parking space to accommodate the additional ADA unit.</li> </ul> </li> <li>▪ <b>Representative (Parker) commented</b>, there was an improvement of the entrance on Murray St; removal of internal (non-public) sidewalk that was not needed. New plans show a two-way was added at each entrance as compared to there being just one way into Clinton St from previous plans.</li> <li>▪ A landscape plan was provided for the project.</li> <li>▪ The unit count mix will not require a change in total parking spaces required. The only change made to the parking is the addition of accessible spaces, required 23 spaces, providing 21 spaces (<b>Berkeley-Hartjen</b>).</li> <li>▪ Applicant is asking for reduction in 2 parking spaces and increase in lot coverage from 70% to 74% (<b>Parker</b>).</li> <li>▪ 23 spaces are required for the project, the site plan shows 20 spaces (<b>Martinez commented</b>).</li> <li>▪ <b>Staff (Martinez) commented</b>, this project relies on a rezoning for the larger area around it. The Planning Commission cannot vote on approval until the rezoning gets approved by City Council.</li> </ul>	

<ul style="list-style-type: none"> <li>▪ <b>Staff (Martinez) commented</b>, the county comments (239 Review) have not been received, so the project should be tabled until next month.</li> </ul>		
<b>PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ <b>Ray Shupa (resident at 171 Murray St) commented about the project.</b> Mr. Shupa had following comments: the site of this project has been vacant for a long time; it is nice to hear that First Ward Action Council is going to develop an apartment building on it. Is there going to be plenty of off-street parking for both residential and commercial tenants? How is one supposed to enter the parking lot – from Murray St and Clinton or is it going to be one entrance and one exit? Considering this will be a large building, will there be a property manager or a person in charge on site similar to 187 Clinton St property?</li> </ul>		
<b>APPLICANT RESPONSE TO THE PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ <b>Representative (Parker) commented</b>, there are designated number of spaces allocated to commercial tenants in the parking lot. There is two-way (in/out) into the parking through Clinton and Murray St entrances. First Ward Action Council has an office on 167 Clinton St and they have staff who manages each of their properties, so if there are any issues, First Ward Action Council gets contacted and it gets resolved accordingly.</li> <li>▪ For tenants a part of First Ward Action Council projects, the reduction in parking has not been a problem in the past (<b>Berkeley-Hartjen commented</b>).</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> to TABLE project until July 02, 2024, meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 162 Water St	<b>CASE NUMBER:</b> PC-2024-0011	
<b>DESCRIPTION FROM AGENDA:</b>		
<b>APPLICANT:</b> Owen Blye		
<b>REPRESENTATIVE(S):</b> Owen Blye		
<b>DISCUSSION POINTS:</b>		
<ul style="list-style-type: none"> <li>▪ Design of the parking lot was slightly reconfigured to maintain above the minimum requirement for green space coverage.</li> <li>▪ The original design had proper drive aisle width, however by adding more green space, the lot was shifted down, such that one or two parking spaces ended up with slightly condensed drive aisle width – valued larger green spaces (Blye).</li> </ul>		
<b>PUBLIC COMMENT:</b>		
<ul style="list-style-type: none"> <li>▪ No one spoke in favor nor in opposition of the project.</li> <li>▪ No letters received.</li> </ul>		
<b>VOTING</b>		
<b>MOTION</b> for negative declaration under SEQR		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>SEAF PART 2 IMPACT ASSESSMENT.</b> The <u>Lead Agency</u> is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available. When answering the questions the reviewer		

should be guided by the concept “Have our responses been reasonable considering the scale and context of the proposed action?”		
<b>TYPE OF ACTION:</b> Unlisted	<b>LEAD AGENCY:</b> Planning Commission	
<i>The Chairman should make a motion to (1) declare intent to act as lead agency, and to (2) define the type of action under SEQR. The Chairman should then open the public hearing or set the date for the public hearing on the case. Following the closing of a public hearing, the Chairman should lead a discussion evaluating the following potential impacts.</i>		
	<b>NO OR SMALL IMPACT MAY OCCUR</b>	<b>MODERATE TO LARGE IMPACT MAY OCCUR</b>
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
Will the proposed action result in a change in the use or intensity of use of land?	✓	
Will the proposed action impair the character or quality of the existing community?	✓	
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
Will the proposed action impact existing: A. public / private water supplies? B. public / private wastewater treatment utilities?	✓	
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?	✓	
Will the proposed action create a hazard to environmental resources or human health?	✓	
<b>EAF PART 3 - DETERMINATION OF SIGNIFICANCE.</b> For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and		

magnitude. Also consider the potential for short-term, long-term and cumulative impacts.		
<b>BASED ON THE ABOVE, MOTION:</b>	Negative Declaration	
<b>MOTION</b> to allow 95% lot coverage where 90% is the maximum allowed		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>
<b>MOTION</b> that the requirements for Site Plan Modification Review have been met and therefore the application has been met and approved, subject to the following: <ul style="list-style-type: none"> <li>▪ Applicant must acquire an area variance from the Zoning Board of Appeals for drive aisle width.</li> </ul>		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Nedlik, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>OTHER BUSINESS</b>		
<b>TITLE:</b> Zoning amendment to make Social Services a land use that is permitted by right in the I-1 Urban Business Park District		
<b>DESCRIPTION:</b> Amendment to the Zoning Ordinance was submitted by Council President Hadassah Mativetsky and Councilman Robert Cavanaugh. The purpose is to make social services as a land use that is making it permitted by right in the I-1 Urban Business Park District. The Zoning Amendment would change that land use (social services) from one that requires a special use permit as it currently stands, to one that does not and would be permitted by right. What it means for the Planning Commission: if a social services use is proposed in the I-1 district and it is under certain size threshold, it would be reviewed administratively by the Planning staff, while if it is above that size threshold, it would still come to the Planning Commission, but it would only be for a site plan review. The Planning Commission would not be able to consider whether or not the use is appropriate at that location.		
<ul style="list-style-type: none"> <li>▪ <b>Chair (Corcoran) asked staff (Martinez)</b> to define social services, what is included in the definition? <ul style="list-style-type: none"> <li>- <b>Staff (Martinez) replied,</b> “organizations that provide support services for specific populations or the community at large. Also includes facilities that provide transient housing related to social service programs. This definition shall include the following uses, as defined in this chapter: “Alcohol or drug rehabilitation facility,” “Community Residential Facility,” “Human Service Agency,” and “Methadone Facility.”” It is quite broad, it could be Catholic Charities office, Mothers and Babies office, Halfway House, Salvation Army, MHASt, etc.</li> </ul> </li> <li>▪ <b>Staff (Martinez) commented,</b> the Planning Commission would have to focus on site plan issues of landscaping, parking, traffic, lighting. Operational things about how that use in particular would affect the surrounding area would not be in the scope of things that Planning Commission would be able to review, because that use would become permitted by right and so the Commission would not be able to deny that use as a result. Special Use Permit requires a public hearing by default, but a Site Plan Review does not always require a public meeting, especially if the project involves a SEQR Type II review and there is no new construction, the public hearing in theory could be waived.</li> </ul>		
<b>MOTION:</b> to TABLE the discussion/vote on Amendment to the Zoning Ordinance until July meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, DiFulvio, Weiss, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

**ADJOURNMENT**

<b>MOTION</b> to adjourn		<b>TIME:</b>
<b>FIRST:</b> DiFulvio	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (4-0-0)
<b>AYE(S):</b> Corcoran, DiFulvio, Weiss, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>