



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: March 5, 2024	LOCATION: City Council Chambers, City Hall
CALLED TO ORDER: 5:15PM	RECORDER OF MINUTES: Shalin Patel

ROLL CALL		
COMMISSIONERS PRESENT:	PRESENT:	ABSENT:
Nicholas Corcoran (chair)	X	
Joseph De Angelo		X
Christopher Dziedzic (vice chair)	X	
Mario DiFulvio	X	
Steve Seepersaud	X	
Kelly Weiss		X
Emmanuel Priest	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Tito Martinez	Assistant Director, Planning Department	
Shalin Patel	Planner, Planning Department	
Robert Heary	Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the February 6, 2024 meeting minutes as written		
FIRST: Dziedzic	SECOND: Seepersaud	VOTE: Carried (5-0-2)
AYE(S): Dziedzic, DiFulvio, Corcoran, Priest, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, Weiss

SEQR DETERMINATIONS	
ADDRESS: 34 W State St	CASE NUMBER: PC-2023-0032
DESCRIPTION FROM AGENDA: Site Plan Review and Special Use Permit for the establishment of a Social Services Facility in an existing commercial building in the C-1 Service Commercial District.	
APPLICANT: MHASt (Mental Health Association of the Southern Tier)	
REPRESENTATIVE(S): Sarah Campbell (Attorney, HH&K), Megan Crowe (Executive Director, MHASt)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Mental health/social services use in a 9,612 square feet vacant building, the facility will be utilized as a supportive crisis stabilization center. ▪ Organization has been providing services in Broome County since 1927; using a peer-led model of services (employees/staff have lived through some sort of mental health experience, either personally or in a circle of family and friends). ▪ This center will serve both mental health and substance use disorders. ▪ This program is not considered to be residential, shelter, or a housing program. 	

- Capacity for the center: 5 adults and 5 children, total of 10 clients at any one given time; both groups of people will be separated in the building and will not be able to interact per regulations.
- Clients can stay short term up to 25 hours at the center with regulatory limit being 23 hours and 59 minutes; the center is open 24/7.
- There will be minor modifications to the exterior of building (doors, painting, cleaning up, etc.)
- Services will be provided to residents of an 8-county region: Broome, Tioga, Tompkins, Chemung, Chenango, Steuben, Schuyler, and Delaware.
- **Co-chair (Dziedzic) asked**, the current licenses capacity is 5 adults and 5 children, so what happens if a sixth adult or youth shows up and current capacity is full?
 - **Representative (Crowe) answered**, clients will come to this center at all given times, so none of the overlap is going to occur at the same time, but if it does occur, there will be a waiting room for people to wait in until a room became available for them.
 - **Co-chair (Dziedzic) asked**, how was the capacity of 5 adults and 5 children determined?
 - **Representative (Crowe) replied**, the number was based upon statistics for this and other outlined regions and this was the number included in the RFP to the state. There is additional space available in the facility to request licensure for increased capacity in the future.
- **Counsel (Heary) asked** the applicant if they were seeking an approval for just 5 adult and 5 children capacity or for 5 and 5 plus additional capacity.
 - **Representative (Campbell) replied** with yes, MHAST is seeking approval for full capacity, which would be 10.
- **Chair (Corcoran) asked**, how would client arrive at this facility? Would it be via an ambulance or other means that would generate a loud sound in the area (referencing the nearby Saratoga Heights Apartments)?
 - **Representative (Crowe) replied**, it could be via public bus when it is in service, by law enforcement (separate entrance), they could also come via an ambulance, or via family, friends, acquaintances, etc.
- **Co-chair (Dziedzic) commented** before next month's meeting the dumpster location should be marked on the site plan.
- **Co-chair (Dziedzic) commented**, staff recommends an installation of a new concrete apron at Chenango Street entrance of the parking area per city engineering standards.
- **Commissioner (Seepersaud) asked**, limit as far as somebody being at the facility was shy of 24 hours, if their condition is severe enough that they are at the facility that long, is it more likely that their next stop is going to Binghamton General vs. released on their own?
 - **Representative (Crowe) answered**, when clients first arrive, they will be assessed for their needs at the time, if their needs are greater than what the center is capable of, then the client(s) will be transferred to a facility that is more suitable. MHAST also has other facilities that could be referred to for additional services as required.

VOTING

MOTION that the proposal involves reuse of an existing commercial building, which is a Type II action under SEQQR, no further environmental review is required.

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-2)
AYE(S): Dziedzic, DiFulvio, Corcoran, Priest, Seepersaud	NAY(S):	ABSTENTION(S): Weiss, De Angelo

MOTION to schedule a public hearing at the April regular meeting

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried 5-0-2)
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AYE(S): Dziejdzic, DiFulvio, Corcoran, Priest, Seepersaud	NAY(S):	ABSTENTION(S): De Angelo, Weiss
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SEQR DETERMINATIONS	
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ADDRESS: 30 Brown St	CASE NUMBER: PC-2024-
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DESCRIPTION FROM AGENDA: 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

APPLICANT: Centerline Communications LLC

REPRESENTATIVE(S): Jeffrey Twitty (Attorney, Nixon Peabody), Brenda Blask-Lewis (Site Acquisition, Centerline Communications)

DISCUSSION POINTS:

- 110’ tall monopole installation to improve ATT coverage on west side of Binghamton and adjacent areas
- Gravel access strive is proposed, to access the parcel which is within the right of way of Norfolk Southern old rail line – it will not be in city’s right of way.
- A Paved driveway would result in paved area crossing a graveled area, overtime would ware out the paved road and make the site look worse.
- **Co-chair (Dziejdzic) commented**, according to the staff comments, gravel is not a permitted surfacing material in the city of Binghamton. Site plan should be revised to show a compliant access drive paved with asphalt, concrete, or other acceptable material. Are you (the applicant) trying to go around the city’s zoning requirement?
 - **Representative (Twitty) replied**, we are not trying to go around the requirements, we certainly want to follow the city’s code. Our concerns are with the trucks that go to access the site (1-2 times a month), the lot has existing gravel on it, while servicing - the vehicles will be on the graveled area, and then leaving from a gravel area onto a paved driveway. So, the gravel overtime will rough up the edges of the paved driveway.
- **Co-chair (Dziejdzic) commented**, there is another question in the staff report, this one pertaining to the height of the tower. Is the applicant willing to provide some artistic drawings – showcasing what the tower will look like compared to other buildings in the neighborhood? It would be easier to visualize exactly how tall 110’ is.
 - **Representative (Twitty) replied**, that would be a photo simulation report and that could certainly be something that could be provided to this Commission or the Zoning Board. Page CA 200 shows tower elevation report, certainly does not show what it would look like in comparison to the surrounding neighborhood, but it gives an idea of what the pole itself would look like and where the antenna array would be located.
- **Co-chair (Dziejdzic) commented**, both the ZBA and the Planning Commission should be considering whether or not a short tower would be applicable due to the fall radius of the 110’ tower being greater than the nearest property line, which is 59’. Why 110’ tall tower and are you as the applicant as scientifically and technologically required do whatever is needed before the ZBA meeting get Variances for such a tall tower?
 - **Representative (Twitty) replied**, 110’ height is technologically required, it is shown in exhibit G, which is a RF analysis. One of the most effective ways of thinking how cell coverage works is like shining a flashlight onto a table, the higher up you go, the more dispersed the light becomes and less concentrated it is. AT&T’s goal is to make it a concentrated coverage, if the tower were to be lower, the projection would not reach further as intended to fill in the gap in its network.

- Regarding the fall zone, design letter in exhibit O shows (nearest property line is 59 feet), with how the pole itself is setup is if it is struck, it is likely going to be in the middle of the pole, so the more realistic fall zone will be something closer to 50'. This is something that will still require a variance, because it should be 110'.
- Applicant should provide a visual analysis map in essence that will show extension of coverage if the tower is 110' vs. the reduced coverage with 59' tower.
- Commissioner (Seepersaud) inquired about the adjacent properties, whether it is a vacant land, factory, or residential housing.
 - Representative (Blask-Lewis) replied, there is factory on side and nothing on the other side (eastern side).
- Applicant should bring back following items for next month's PC meeting:
 - 59' propagation study showing what the coverage should be
 - Revised site plan (if needed) showing trees along western boundary of the site.
 - Revised EAF
 - Photo renderings
 - Site plan should be revised to show an asphalt driveway

VOTING

MOTION that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Unlisted under SEQR

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): De Angelo, Weiss

MOTION to schedule a public hearing at the April regular meeting

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): De Angelo, Weiss

SEQR DETERMINATIONS

ADDRESS: 348 Clinton St	CASE NUMBER: PC-2024-0003
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DESCRIPTION FROM AGENDA: Site Plan Review and Special Use Permit for the conversion of a ground floor of an existing commercial building into [1] one-bedroom apartment and an eating and drinking establishment/event venue in the C-4 Neighborhood Commercial District

Chair (Corcoran) announced, before the proceedings take place, he wanted to put it in record that he does work alongside the Architect of the project Paul Deeley at Binghamton University, but that he will not earn any monetary gains from this project.

APPLICANT: Braham Berg

REPRESENTATIVE(S): Braham Berg (Owner), Paul Deeley (Architect)

DISCUSSION POINTS:

- Existing building, discussing a change of use in the rear of the building from commercial to residential (1 bedroom apartment)
- No landscape available on site
- **Chair (Corcoran) asked** the representatives to talk about the parking spaces in the rear of the building
 - **Representative (Deeley) commented**, there are 3 dedicated spaces to the 346 Clinton St building, 3 spaces in rear of the 348 Clinton St, next to the dumpster. There are lots of parking

spaces on Janette Ave and Clinton St. This project will not increase or decrease the parking requirement.

- **Staff (Martinez) commented**, the applicant need one required (1) parking space for the project
- **Applicant (Berg) commented**, at peak capacity, the rear parking lot can fit 5-6 cars, so there is enough spaces back there and the lot will be stripped
- **Staff (Martinez) asked**, is the coffee shop going to be open every day and then also used as a leasable event venue?
 - **Owner/operator of the coffee shop (Short) commented**, the purpose of this space is for an event space. It will not be open 24/7, it will be based on usage. It will mostly be from Thursday to Sunday, other days it will likely be shutdown. And both office spaces are part of my operations.

VOTING

MOTION that the Planning Commission intents to act as Lead Agency in SEQR review and that the proposal requires reuse of an existing residential building, which is a Type II action under SEQR

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo

MOTION to schedule a public hearing at the April regular meeting

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): De Angelo, Weiss

SEQR DETERMINATIONS

ADDRESS: 299.5 Clinton St	CASE NUMBER: PC-2024-0004
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DESCRIPTION FROM AGENDA: Site Plan Review and Special Use Permit for the conversion of a ground floor of an existing commercial building into [1] two-bedroom dwelling unit and a commercial space in the first 30’ of the building in the C-4 Neighborhood Commercial District

APPLICANT: Braham Berg
REPRESENTATIVE(S): Braham Berg (Owner), Paul Deeley (Architect)

DISCUSSION POINTS:

- Apartment in the rear, with front of the property occupying modern commercial space
- Bottom floor of the building is completely deteriorated; renovation to be completed to make the proposed project possible.
- There is dedicated parking in the front for the building and existing two story residence behind this building that has parking and a free standing, detached garage that has two spaces
- **Co-chair (Dziedzic) asked**, is the applicant willing to amend to make sure all driveway and parking areas with asphalt or another compliant material since gravel is not permitted in the city?
 - **Representative (Deeley) commented**, would milling be a permeable/allowable material? We will put down permanent pavements as our material of choice.
 - **Staff (Martinez) commented**, the code does not mention milling specifically, the intent is to have something more permanent, actual fresh asphalt payment versus recycled millings. Permanent pavers are permitted.
 - **Chair (Corcoran) asked** if the applicant is willing to pave the area from end of the driveway into the parcel to put up parallel parking spaces. There is about a 5-6’ section from the building that does not appear to be paved or in good enough shape to be called paved area.
 - **Representative (Deeley) replied**, the paving goes from the building to the fence line.

<ul style="list-style-type: none"> ▪ Chair (Corcoran) asked, what is the plan for garbage? <ul style="list-style-type: none"> - Representative (Berg) replied, current tenants take the garbage containers out to the front, the current garbage disposal area is located between the primary building and the house that sits in the rear of the primary building. 		
VOTING		
MOTION that the Planning Commission intends to act as Lead Agency in SEQR review and that the proposal involves a reuse of an existing residential building, which is a Type II action under SEQR, no further environmental review is required		
FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo
MOTION to schedule a public hearing at the April regular meeting		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): De Angelo, Weiss

SEQR DETERMINATIONS	
Co-chair (Dziedzic) abstained himself from this application because he lives in close proximity to the project.	
ADDRESS: 110 Fairview Ave	CASE NUMBER: PC-2024-0005
DESCRIPTION FROM AGENDA: Site Plan Modification Review for the construction of an 12,750ft2 building with 20 sleeping units on an existing Social Services campus in the R-2 One-and Two-Unit Dwelling District	
APPLICANT: Fairview Recovery Services	
REPRESENTATIVE(S): Sarah Campbell (Attorney, HH&K), Patrick Haley (Executive Director, Fairview Recovery Services, Inc.)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Original project was approved in December 2022, but it has been halted from further progression/construction due to budget issues – which caused the building footprint to be reduced by about 700 square feet. ▪ The proposed building will be moved south by approximately 10 feet to avoid a 12” storm line that runs through middle of the property. ▪ Addition of a generator (required by NY State) ate up one parking space in the lot, the push up of the building south by 10’ chewed up another 2 parking spaces because of the rotation of the building. ▪ To reach the 29-parking space(s) limit, there was a relocation of 4 additional parking spaces on top portion of the parcel on site plan. ▪ The entrance drive was moved from middle of the property to upper side of Merrick Street at probably around 50ft – which was done for elevational grading issues to increase height of loading dock. ▪ Representative (Campbell) asked if there were any opportunities for a non-thorough, extended new review of the project since this is a site plan modification of the previously approved project. Making a request to provide all project information, review and approval from 2022 application to the Planning Commission members that were not present during the proceedings, so the applicant does not have to present everything again. 	

<ul style="list-style-type: none"> - Staff (Martinez) commented, modifications that can be approved at the staff level are more minor in nature, this is borderline, but changes to the ingress/egress to the site will require an approval of the Planning Commission and cannot be approved at the administrative level. SEQR and public hearing should be redone since the project has been changed slightly compared to what was approved previously. ▪ Commissioner (Priest) commented about a requirement of a landscape plan from the applicant (according to the staff report). <ul style="list-style-type: none"> - Representative (Campbell) commented, landscape will be added to the site plan. - Staff (Martinez) commented, planning department recommendation is either a fence or planting be planted along property line, not both – depending on what the Planning Commission recommends. Planting would be focusing/blocking out the portion of the property line which is located across from the residential property to the north. 		
VOTING		
MOTION that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Unlisted under SEQR		
FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo
MOTION to schedule a public hearing at the April regular meeting		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Seepersaud, Priest, DiFulvio, Dziedzic	NAY(S):	ABSTENTION(S): Weiss, De Angelo

PUBLIC HEARINGS & FINAL DELIBERATIONS	
ADDRESS: 89 Court St	CASE NUMBER: PC-2024-0001
DESCRIPTION FROM AGENDA: Site Plan Review and Special Use Permit for the conversion of floors 2-4 of an existing commercial building to 9 dwelling units with 18 total bedrooms	
APPLICANT: Chianis + Anderson Architects	
REPRESENTATIVE(S): Kyle Weeks (Chianis + Anderson Architects)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Only floors 2-4 will be renovated as discussed in previous meeting (significant changes including upgrades to the elevator system, sprinklers, heating and cooling). ▪ Exterior work will involve light enhancements of the existing historic cast iron façade. ▪ There will be a room designated in the basement level for garbage collection; all tenants will be responsible for taking their household trash down to the basement level, it would be stored there and brought up to the street level for pickup by a private hauler (the building management would take care of the letter part). ▪ This building goes up to 0’ lot line, so there will be no room to put any landscaping as any available landscaping will be from city of Binghamton itself and has nothing to do with the potential owner. ▪ Potential lighting for security purposes with the additional of residential units in the building would be confided under the awnings and not anything to be seen on the façade 	
PUBLIC COMMENT:	
<ul style="list-style-type: none"> ▪ No one spoke in favor nor in opposition of the project. 	

<ul style="list-style-type: none"> No letters received. 		
VOTING		
MOTION that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved		
FIRST: Corcoran	SECOND: Dzedic	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, Dzedic, DiFulvio, Priest	NAY(S):	ABSTENTION(S): Weiss, De Angelo

OTHER BUSINESS		
DESCRIPTION: Climate Action Plan		
MOTION: Table the discussion until April meeting		
FIRST: Dzedic	SECOND: Seepersaud	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, Dzedic, DiFulvio, Priest	NAY(S):	ABSTENTION(S): Weiss, De Angelo

ADJOURNMENT		
MOTION to adjourn		TIME:
FIRST: Priest	SECOND: Dzedic	VOTE: Carried (5-0-2)
AYE(S): Corcoran, Seepersaud, Dzedic, DiFulvio, Priest	NAY(S):	ABSTENTION(S):