



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
<b>MEETING DATE:</b> April 2, 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
Chris Dziedzic (Vice-chair)	X	
Kelly Weiss	X	
Kyle Nedlik	X	
Mario DiFulvio		X
Emmanuel Priest	X	
Joseph De Angelo	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Tito Martinez	Assistant Director of the Planning Department	
Shalin Patel	Planner, Planning Department	
Robert Heary	Corporation Counsel	
Greg Buell	Zoning Officer	

APPROVAL OF MINUTES		
<b>MOTION</b> to approve the March 5, 2024 meeting minutes as written		
<b>FIRST:</b> Priest	<b>SECOND:</b> De Angelo	<b>VOTE:</b> Carried (4-0-3)
<b>AYE(S):</b> Dziedzic, De Angelo, Priest, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Weiss, Corcoran, DiFulvio

SEQR DETERMINATIONS	
<b>ADDRESS:</b> 245-249 Washington St	<b>CASE NUMBER:</b> PC-2024-0006
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and Special Use Permit for the conversion of floors 1-2 of an existing building into a Daycare Center in the C-2 Downtown Business District	
<b>APPLICANT:</b> Family Enrichment Network	
<b>REPRESENTATIVE(S):</b> Kenneth Gay	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ Family Enrichment Network are in process of purchasing the southern building of the two present buildings from First Assembly God’s City Church – with included parking lot at 245 Washington St.</li> <li>▪ Applicant plans to put in head start and early head start programs on the street level floors (1<sup>st</sup> and 2<sup>nd</sup> floor of 5 story building).</li> <li>▪ Small section of the parking lot will be used to house two playgrounds, one for head start pre-school and another for infant/toddler outdoor play area.</li> </ul>	

- Entrance to the parking area will be one way, in through Washington St and out through Water St for smoother flow – accessible parking spaces are reconfigured and compliant.
- Applicant would like to request an area in the front for 3 spaces dedicated to van drop offs, would rather not bring the vans into the parking lot.
- No additions to the building will be made; on first floor there will be removal of some walls to setup classroom spaces.
  - First floor will have infant and Toddler/early head start classroom consisting of 48 children in 6 different classrooms. Appropriate facilities such as diaper changing among others will be added within each classroom.
  - First floor will also feature lobby area, reception (for student drop offs), meeting spaces, and director’s offices.
- On the 2<sup>nd</sup> floor there will be 2 head start classrooms. A 3<sup>rd</sup> classroom shown on the site plan could be anticipated to be in use in the future.
  - 50 children in the classrooms on 2<sup>nd</sup> floor
  - 2<sup>nd</sup> floor too will have space for support services (break room, mechanical room, meeting rooms, office space).
- **Vice-chair (Dziedzic) asked**, if Family Enrichment Network (FEN) is going to continue to remain in some sort of agreement with the Forum Theater for the Forum to use the parking lot when there are performances.
  - **Representative (Gay) commented**, from his understanding Family Enrichment Network is going to continue to stay in an agreement with the Forum Theater for parking, it would be another source of revenue for them.
- **Commissioner (Priest) asked** about the hours of operation
  - **Representative (Gay) commented**, typically before school children will be dropped off, some are bussed there as well, but there are no after school programs that he is aware of. This space will serve as a relocation of services FEN offers that exists at various locations. They will maintain same hours of operations as other facilities they own.
- **Commissioner (Priest) asked about the van drop off spaces in the after-hours. Would those spaces be public parking?**
  - **Representative (Gay) replied**, it is of assumption that there are designated hours FEN would like to do that, safety of the busses and children are what is more important.
- **Commissioner (Nedlik) asked** a question related sidewalk, etc., (it was hard to hear him, the voice cut off mid question).
  - **Representative (Gay) replied**, right now there exists a ramp on the south side of the building, which will be maintained and kept as such, because it will provide accessibility up to the level. There will be no changes to the sidewalk.
- **Staff (Martinez) commented**, if understood correctly, the applicant would like to reserve some sort of a loading zone in front of the parking area for busses. That would just need a Traffic Board Review.

**VOTING**

**MOTION** that the Planning Commission intends to act as Lead Agency in SEQR review and that the action is Type II under SEQR, no further environmental review is required.

<b>FIRST:</b> Weiss	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Dziedzic, Priest, De Angelo, Weiss, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

**MOTION** to schedule a public hearing at the May regular meeting

<b>FIRST:</b> Priest	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Dzedzic, Priest, De Angelo, Weiss, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 34 W. State St	<b>CASE NUMBER:</b> PC-2023-0032
<b>DESCRIPTION FROM AGENDA:</b> 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.	
<b>APPLICANT:</b> Mental Health Association of the Southern Tier (MHASt)	
<b>REPRESENTATIVE(S):</b> Sarah Campbell (Attorney, HH&K), Megan Crowe (Executive director, MHASt)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ The location of the dumpster has been marked on an excerpt of a GIS map as a red 'X'.</li> <li>▪ Repair of sidewalk will be agreed upon by the applicant. <ul style="list-style-type: none"> <li>• Referring to "installation of new concrete apron at the Chenango St entrance to the parking area, per City Engineering standards."</li> </ul> </li> </ul>	
<b>PUBLIC COMMENT:</b>	
<b>Not all comments, word for word will be written here, to get the full version, please watch the recording available on City of Binghamton YouTube page.</b>	
<ul style="list-style-type: none"> <li>▪ <b>Patrick Garey spoke in favor of the application.</b> Mr. Garey had following to say about the project: It is no secret that mental health issues are a primary concern of local government and certainly for law enforcement. In 34 years of policing experience, a large percentage of violent crimes, drug use and abuse, general crimes, disorder, have been in some way related to mental health issues. As an organization, MHASt as performed an outstanding job in responding to and treating mental health disorders that contribute to these issues, only limited by funding. The mobile crisis team is an outstanding resource, and the law enforcement uses them often. But because of gaps in the system, there are many people that fall through the cracks, who are experiencing mental health crisis of some sort, or they need assistance. Officers in the county often face a choice between convincing a person to go to CPEP voluntarily or walking away from the scene, knowing that they are leaving the person vulnerable or that they will be seeing them again sometime later. From dated literature, in 2021, there were 5106 visits to CPEP, but only 1563 individuals were admitted. According to Broome County Law enforcement records management, there were 2373 calls that police responded that were labeled mental health law incident (that is about the average of calls related to mental health for the county, with roughly 1000 being from City of Binghamton). Are the people trying to get help going to settle in the location and/or ruin neighborhoods? It is a legitimate concern and a completely understandable reaction. Reaching out to the Chief of Police in Poughkeepsie, NY, the Chief said that the stabilization center in the city has had no negative impacts in the community. People do not come for services and then stay in the area; they get treatment and go back home.</li> <li>▪ <b>Ron Borgna spoke in opposition to the application.</b> Mr. Borgna (lives in a proximity to the proposed project, at 456 Chenango St) had following to say about the project: he has lived at the mentioned address for 43 years and is all in favor of helping people with mental health issues. However, from what he has heard from the people with authority regarding this project, it does not sound helpful. Mr. Borgna asked a couple of questions to the applicant(s)/authority in charge of the project. Such as the following, is there going to be a Physician, a Physician Assistant, or a Nurse Practitioner present onsite? All they said was, there will be counselors present. Somebody would need a doctor, a psychologist, or a psychiatrist or someone who could prescribe medicine if they needed it, or someone who was trained to administer the medication. How is it helpful to people to just go into the facility to talk to a counselor? The facility is already going to be understaffed with LPNs, because it will be hard for the organization to find RNs to be on staff due to the shortage of nurses in the area. Will there be security personnel present at the site? He was told there will be no security personnel, only security features (e.g., security cameras and secured entrance/exit). Are the staff trained to deal with someone who has developmental disability versus</li> </ul>	

someone who is dealing with real life crisis and could be violent? How is the staff going to be trained (sitting in a classroom or on site)? This facility is going to draw people from 7 other counties in the area, some are on the other side of Elmira, why can't people go to get help from their hospitals and clinics in their own county – instead of being drawn to Binghamton? We have police in the neighborhood at least twice a week.

- **Rosanna (Care Compass Network) spoke in favor of the project.** Ms. Rosanna had following to say on the project: Care Compass helped put together the grant application for MHAST. Been in the healthcare industry for 25 years, been diagnosed bipolar, anxiety, and PTSD (been involved in developing programs to support these populations). There is a significant shortage of resources when it comes to Mental Health needs – there is stigma and implicit bias and barriers that people with these conditions must deal with to access care in the same way that someone who does not have these conditions. Having an opioid use disorder is no different than someone who has diabetes, that is dependent on insulin. Regarding staffing, the organization is struggling to staff appropriate positions as the industry is facing one of the worst workforce shortages in the history. This center, since it is a stepdown from intensive, it does not require a physician support, but it does require on call psychiatric services. MHAST will be working with a community health system partner to provide nursing staff for this center.
- **Nate Hotchkiss (Council Member 4<sup>th</sup> District) spoke in favor of the project.** Mr. Hotchkiss had following to say about the project. There have been multiple incidents of attempted suicide and self-harm that he has been made aware of, in his short time as a council member. Would like there to be services and resources available to prevent such things from happening and this center would help achieve that. Additionally, knocking on lots of doors for campaign and has learned that there is a lack of services that are available that will help people with their mental health issues.
- **Received one letter in support from Assemblywoman Donna Lupardo**
- **Received one letter in opposition from Ron Borgna (who also spoke in opposition)**

#### APPLICANT RESPONSE TO PUBLIC COMMENT:

- **Representative (Campbell) commented,** this is a center for 10 individuals, possibly room to grow to 20 in the future, but that would be the maximum due to the space limitations. This is a program that is licensed and certified by the NY State Office of Mental Health and Office of Addiction Services. The staff on board is highly trained in crisis de-escalation and peer managements, and as mentioned by an individual during public comment, there is a hierarchy of professional support, both on site and on call. This is a voluntary program; it is not a court ordered or a lockup program; it is not accurate to assume that everyone coming to the center via an ambulance or a police car. When talking about hours of operation being no more 23:59, it was not a facetious statement, that is just a requirement to indicate that this center is not an overnight, anything beyond almost 24hr facility. Traffic is not expected to be a realistic problem, expected to have small number of individuals at the facility.
- **Representative (Crowe) commented,** office of mental health and addiction services are very comprehensive and detailed with security, transportation, the region to operate and serve in, types and credentials of the staff employed along with their training. All supportive and intensive crisis stabilization centers in the state of New York must follow guidelines set forth by the offices mentioned previously, as well as the state.
- **Commissioner (Weiss) asked,** to address security concerns. Will there be anybody present at the door? Are we to assume that the front desk person has an extra level of training for security?
  - **Representative (Crowe) replied,** the building itself has a double door entrance; first door will be open, while second door will be locked. There will be high security cameras located throughout the building. There is only an open waiting room area that will be accessible by any clients coming in, otherwise everything else requires a badge swipe. The center does not want to overwhelm people attending the center with security features like metal detectors; the center is further bound by NYS and what guidelines the state sets for these centers. In the future, the center does hold the ability to hire a security employee to safeguard the entrance of the building, but at the current point in time it has not been implemented, because the organization wants it to be a welcome space, but depending on the needs, it could be introduced later.

- **Commissioner (Weiss) asked**, with limited staffing capacities and ability take care of only so many people (10 at max), how does MHASt communicate with other counties about what level of saturation the center in Binghamton is at? And if there is overcapacity, will MHASt turn people away or would they be staying?
  - **Representative (Crowe) replied**, there will be a continuous turnover of clients, because of the center not being a residential facility and having the 23 hour and 59 minutes window; meanwhile the waiting room will allow people to wait for an available room for treatment. There will be a triage room, an exam rooms, and a waiting room, so there is plenty of space for a person to wait to be officially admitted for treatment.
- **Commissioner (Weiss) asked** if people are coming from other counties and relied on services that MHASt has determined, will those people be transported back to their own county for those services, or will they remain in our county and city?
  - **Representative (Crowe) replied**, the intent of the program is to connect the individual to the resources in their home community, depending on how they arrive, they will return to their home community, with MHASt's case managers and staff making referrals. If for some reason those services are not available in their community, they may be referred to another county/community to acquire the proper services.
- **Commissioner (Nedlik) asked a question that was next to impossible to hear in the recording, but the answer from representative (Crowe) was as follows...**
  - **Representative (Crowe) commented**, this is a voluntary program, it would not be anticipated that people are coming to MHASt under duress or in the sense of an emergent ambulance or police car, people will come via a bus, with a family member, with someone that supports them, perhaps drive themselves, there are variety of ways. It is not a program that relies on the EMS service to obtain MHASt services.
- **Acting chair (Dziedzic) asked** the representative (Crowe) to address the differences between services offered by MHASt and other nearby facilities such as Volunteers of America and OPWDD.
  - **Representative (Crowe) commented**, both mentioned facilities are regulated by a NY State agency and have requirements to meet for licensing. However, both of those facilities are residential programs, while MHASt is non-residential (considered to be a clinically based crisis intervention program). The requirements for residential programs cannot be overly saturated with the offered programs in any one given community.
- **Acting chair (Dziedzic) asked** the representative (Crowe) to go over MHASt's plans for staffing.
  - **Representative (Crowe) replied**, staff will be required to be present for 24/7 for 365 days, because of the operation of the program. The regulatory guidelines require for a RN to be present for full 24 hours of each day for assessment and medical observation or assessment of need. Either a licensed master or a clinical social worker will be present. Furthermore, there will be a credential alcohol substance and abuse counselor, case managers (familiar with resources of every community to referral clients to specific services), a program director (responsible for day-to-day oversight, management of staff and operations), NY State certified peers (mental health and substance use disorder, individually), and a director of clinical care (require supervising operation of this facility, as well as provide clinical supervision for licensed employees). There will be 3-4 staff per shift for 24-hour periods, based on criteria listed in NYS regulations.
- **Acting chair (Dziedzic) asked** about MHASt's plans for a fail-safe in the event there is a staffing shortage? Will MHASt close its doors while they figure out the situation?
  - **Representative (Crowe) replied**, the center will not be closed. A partial coverage for the shift will be found via overtime compensation or per diem staff. But partnering with a health care system, it should reduce a potential for a call out, resignation, or an unexpected circumstance(s) that may arise, because there will be a base layer to work out from. MHASt

has a 24/7 Crisis Respite house, so if there was a staff call-out, there is staff that flex around schedule, they do partial shifts, and have an experience, making sure that a 24/7 program is operational.		
<b>VOTING</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>• Installation of a compliant concrete apron onto Chenango St</li> </ul>		
<b>FIRST:</b> Priest	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Priest, Weiss, Nedlik, Dziedzic, De Angelo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> DiFulvio, Corcoran

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 348 Clinton St	<b>CASE NUMBER:</b> PC-2024-0003	
<b>DESCRIPTION FROM AGENDA:</b> 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.		
<b>APPLICANT:</b> Braham Berg <b>REPRESENTATIVE(S):</b> Braham Berg (Owner), Paul Deeley (Architect)		
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ No new changes from previous meeting</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> that the requirements for Site Plan Review and Special Use Permit have been met and therefore the application has been met and approved		
<b>FIRST:</b> Dziedzic	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Dziedzic, Priest, Weiss, Nedlik, De Angelo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>		
<b>ADDRESS:</b> 299.5 Clinton St	<b>CASE NUMBER:</b> PC-2024-0004	
<b>DESCRIPTION FROM AGENDA:</b> 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		
<b>APPLICANT:</b> Braham Berg <b>REPRESENTATIVE(S):</b> Braham Berg (Owner), Paul Deeley (Architect)		
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ Gravel parking area in the rear of the property will be changed to a paved area per request from previous meeting.</li> <li>▪ <b>Staff (Martinez) commented,</b> there was a new paved area that was proposed as gravel, it was changed to asphalt. Part of the staff comments recommended all paved areas should be repaved, because existing driveway includes quite a bit gravel. Both new and old parking areas should be asphalt.</li> <li>▪ <b>Applicant (Berg) commented,</b> initially to move the project along, they will just patch areas of the existing lot, and anything issued for the new area would be freshly paved.</li> </ul>		

- **Staff (Martinez) commented**, the condition of the driveway is not patchable; recalling Nick Corcoran (Chair) thought there was landscaping there against the fence, but it looked to be overgrown vegetation.
- **Representative (Deeley) commented**, the driveway does not appear to be gravel, it could be sealed, if that was acceptable.
  - There are 8 parking spaces located on the site plan, what is the minimum required? If there was no need to pave the rear area and there were 2 less spaces, going from 8 to 6, then the existing area could be paved and bring it up to DOT standards.
- **Staff (Martinez) replied**, the commercial use does not require parking because it is located in an existing building, the existing house in the rear requires 1 space and the proposed unit requires 1 space; then the 2 existing units on 2<sup>nd</sup> floor of primary building would need 2 spaces equaling 4 spaces.
- **Representative (Deeley) commented**, we are proposing to eliminate new parking space(s) that was changed prior to the meeting and resurface the existing lot as it is now. It would allow the rear of the house to have more yard or patio space which it has presently.
- **Vice-chair (Dziedzic) asked**, what is the applicant going to do with the broken up gravel/asphalt that would be excluded from parking? Is that going to be teared up and have sodded and make it a landscaping area? The Planning Commission does not want to see it left as broken piece of land (mixture of gravel and asphalt).
- **Representative (Deeley) commented**, the existing drive would be resurfaced (milling out existing 2 to 3 inches, leaving the existing base and putting in a new topping, which is typically a 2 inch finish). The proposed space with 2 new cars on new asphalt per the site plan, currently has lawn on it with a partial brick paver that the existing house in the rear used as a patio, that would be left as is.
  - Existing drive from the apron meeting the street all the way back to the existing garage would be paved.
- **Vice-chair (Dziedzic) commented**, so, spaces 3 and 4 from the site plan will remain as a lawn area with brick pavers. While spaces 6, 7, and 8 will be repaved to asphalt as per the applicant's commitment.
- **Representative (Deeley) commented**, if there are only 4 maximum parking spaces required, can the existing garage be abandoned and make that area lawn and not improve the entirety of the driveway to cut the cost of paving the entire driveway in half?
  - **Staff (Martinez) commented**, the project should be tabled, and the Commission should ask the applicant to provide a revised site plan with the proposed changes, because it is a big departure from what has been presented.
- **Vice-chair (Dziedzic) commented**, the gray shaded area (parking spaces 3 & 4) will remain as lawn and/or pavers; area from parking space 5 (which covers spaces 5, 6, 7, 8) up to the street will be paved. What will happen to the space between the garage and up to parking space 5? Leaving the space as is between parking space 5 and the garage will not be acceptable by the Commission.

**PUBLIC COMMENT:**

- No one spoke in favor nor in opposition of the project.
- No letters received

**VOTING**

**MOTION** to TABLE the project until May meeting to allow the submission of a revised site plan

**FIRST:** Priest

**SECOND:** Nedlik

**VOTE:** Failed (0-5-2)

<b>AYE(S):</b>	<b>NAY(S):</b> Priest, Nedlik, De Angelo, Dziedzic, Weiss	<b>ABSTENTION(S):</b> Corcoran, DiFulvio
<b>The motion to table the project was halted before enough votes needed to pass the motion were received. As a result, the motion was rescinded.</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>• Parking spaces 3 and 4 will remain as lawn and/or pavers.</li> <li>• Driveway starting from the garage (which includes parking spaces 1 and 2) and up to the sidewalk (including parking spaces 5, 6, 7, 8 as shown on site plan dated 4/2/2024) be paved with new asphalt and/or other permitted material.</li> <li>• Final revised plan must be submitted to the Planning Department for approval.</li> </ul>		
<b>FIRST:</b> Weiss	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Dziedzic, Priest, Weiss, Nedlik, De Angelo	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 30 Brown St	<b>CASE NUMBER:</b>
<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> Centerline Communications LLC	
<b>REPRESENTATIVE(S):</b> Jeffrey Twitty (Attorney, Nixon Peabody), Brenda Blask-Lewis (Site Acquisition, Centerline Communications)	
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"> <li>▪ 110 ft monopole design telecommunications tower with a 10' lightning rod on top</li> <li>▪ Supplemental documents were submitted on April 1, addressing concerns of the Planning Commission from first meeting. <ul style="list-style-type: none"> <li>- There are propagation studies outlining coverage of the tower at different heights, 59' (distance to the nearest neighboring property) compared to proposed 110'. There are photo simulations of the site, including one simulation showing what the site would look like from route 17c (coming from the Johnson City arch), etc.</li> <li>- Site plan was revised to include the proposed asphalt drive to replace proposed gravel drive as well as planting of evergreen trees along the western side of the compound.</li> </ul> </li> </ul>	
<b>PUBLIC COMMENT:</b> <ul style="list-style-type: none"> <li>▪ 1 letter received in opposition of the project from Linda Willerton.</li> <li>▪ <b>William Smith (neighbor at 40 Brown St; directly next to 30 Brown St) spoke in opposition of the project.</b> Mr. Smith had following concerns to share, there are large tractor trailers that come at his business at 40 Brown St on a weekly basis, sometimes daily that have to backup to a door at the end that stretch out over the paved driveway that is very close to 30 Brown St. If trees are to be put on the proposed site, the trucks will not fit onto the driveway and connect to the building. Due to the trees, there will no longer be a full access to the back bay door. There are other places to put the tower, even on the same street, where the ground is ready for it.</li> <li>▪ <b>Jim Spear (Owns multiple properties on Brown St) spoke in opposition of the project.</b> Mr. Spear had following to say about the project, there is a right of way, which is a right of way to Mr. Spear's property (in his deed, according to him), which has been in effect ever since it was bought in 1985. If the tower were to topple, it will hit 3 of his properties and Mr. Smith's property. If the tower cannot be contained within a property line, then it becomes a danger to the whole neighborhood; you</li> </ul>	



cannot put up a 110' tower in a 66 or 76' wide space. A lady (Lucy), who lives on the corner has a heart defibrillator or a pacemaker and she is concerned with all the electric equipment added onto this pad and the radiation concerns it will have on her health. Brown St was just repaved few years ago, then a year after they come through to dig it back up again for sewers, it was repaved again and now AT&T wants to put up a tower and do underground electric work to their pad. They are ignoring the setback and are asking for almost half of setback, it is not miniscule like 5 to 10 feet of setback. There are plenty of tall buildings and plenty of cell service with AT&T all over the neighborhood; not sure why a tower is being put up when there is full service in Downtown Binghamton. Work on the AnSCO camera factory building was completed not too long ago, it is one parcel away from this proposed tower. 30 Brown St area has been used as a staging area by Vector, who is doing all the bridge projects, has been using the land as a waste station to get rid of the disposal from the bridge projects where they rip up all the concrete.

- **Dan Harman (Owner of Harman Enterprises) spoke in opposition of the project.** Mr. Harman said the following, the property at 30 Brown St is currently used by his company to stockpile materials – helping with Glenwood Ave bridge reconstruction, which most of the property is on Jim Spear's property. Jim has a right of way that goes across the area the tower is being proposed to be put onto.

**APPLICANT RESPONSE TO PUBLIC COMMENT:**

- **Representative (Twitty) commented,** it sounds like most of the concerns are surrounding the fall zone of the tower, in case of a failure. When this tower was designed, the Engineers put in break point in the tower to make sure it does not fall onto any of the adjacent properties, and it would be contained entirely within the 30 Brown St site.

- **Vice-chair (Dziedzic) asked,** what is the height of the break point?
  - **Representative (Blask-Lewis) replied,** it is the midpoint of the tower, at 55'.
- **Commissioner (Nedlik) asked a question that was not picked up on the recording.**
  - There will be a request for setbacks for the variance for height and area, but the way the tower is designed is, in the event of a failure, it would fall on itself instead of falling 110', it would fall 55', **commented by representative (Blask-Lewis).**
- **Commissioner (Weiss) commented,** it would be a lot easier to see and Engineer's drawing that can give us more proof of the breaking point and fall zone. Also, is there something clearer and more defined as far as property lines are concerned (because it will affect nearby properties and running businesses)?
  - **Staff (Martinez) commented,** looking at the mapping system, Mr. Smith (40 Brown St) should be able to access his property without having to crossover someone else's property. Large ever green trees used as screening will be located on the railroad right of way, they would not be on Mr. Smith's property. If he is accessing his property from Brown St via a curb cut onto his property, then those shrubs would only be on the railroad property. As far as the breakpoint in the pole, the Commissioners would like that shown on the elevation on the tower; an actual height shown and noted on the pole. As far as other uses of the property are concerned, it is railroad property and they have had a deal to do business with some of the former speakers, and they decided to move on and instead to business with AT&T. The Planning Department was made unaware of an easement, if one exists, for the right of way, but if there is a permanent easement that must be maintained, then it must be maintained, and AT&T would not be able to build this tower in a way that obstructs that.
- **Vice-chair (Dziedzic) asked,** what will the construction process be like, and will it potentially prevent somebody else from storing and stockpiling bridge rehabilitation materials?

- **Representative (Twitty) replied**, typically how these sites are constructed is, depending on availability of materials and utilities, it takes about 1-3 months to put up one of these towers.
- **Representative (Blask-Lewis) commented**, the people who are currently using the 30 Brown St property, do they have a permission from the Railroad to use the property? Once the tower is constructed, we cannot say that the prior uses of the property can continue, because its railroad's property, so it is difficult to speak on that subject.
- **Commissioner (Weiss) commented**, Brown St local road is not owned by the railroad company but still affects local businesses, what is going to be the impact there?
  - o **Representative (Blask-Lewis) commented**, once the construction for a tower is completed, anybody who would be accessing the tower is for maintenance, once a month to 2 months. The general contractor working for the site would have to acquire proper permits, potentially block the street for construction, etc., but it would not be for long term disruption.
- **Vice-chair (Dziedzic) asked**, what is the final footprint of the tower compared to the full lot size?
  - **Representative (Twitty) commented**, the lease area is 70'x70', it would be contained within a compound in the lease area. Total amount of disturbance on the site itself is about 0.23 acres.
- **Commissioner (De Angelo) commented**, there needs to be a clear idea on the owner of the piece of land at 30 Brown St, does the railroad own it or is it part of deeds of the speakers who spoke tonight? Someone should investigate what rights are involved in the property and if a decision were to be made, it should be conditioned upon checking of the deeds and clear ownership of the land.
- **Corporation counsel (Heary) commented**, the city is not going to investigate on who has control of the property and have a determination based upon it. The applicant could be asked by the board to provide a proof of site control such as leasing documents, etc., but beyond that the city has no business in getting involved with who are the rightful owners of the land. Applicant did provide a signed lease (Exhibit J) between Norfolk Southern Railway Company and City Switch. At the extent that there is a problem over control of the land under easement rights, etc., that will be something that individuals involved will have to work it out.
- **Commissioner (Priest) asked if the applicant would be comfortable if the Commission granted something that was within current Zoning Ordinances (the fall radius would not extend into neighboring properties at all with/without a breakpoint)?**
  - **Representative (Twitty) replied**, if the estimated breakpoint is set at 55' and the max fall radius allowable is at 59', we should be able to meet the requirements comfortably.

**The applicant must adhere to operating the antenna(s) at the FCC designated frequencies. (Complete description can be found in the staff report and/or the video recording of the meeting).**

- **Representative (Twitty) commented**, city switch could certainly put together an elevation showing where the break point will be located on the tower and have an elevation showing what the tower would look like collapsed at the breakpoint. The structural letter, signed and stamped by an Engineer will be the strongest piece of evidence here, that the breakpoint will be included.
- **Commissioner (De Angelo) asked**, what triggers the fall of the tower?
  - 110 mph winds, **replied by (Twitty)**

#### VOTING

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

<b>FIRST:</b> Dziedzic	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Dziedzic, Priest, De Angelo, Weiss, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

<b>MOTION</b> to issue a negative declaration		
<b>FIRST:</b> Dzedzic	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Dzedzic, Priest, De Angelo, Weiss, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio
<b>MOTION</b> to TABLE the project until May meeting		
<b>FIRST:</b> Dzedzic	<b>SECOND:</b> Weiss	<b>VOTE:</b> Failed (5-0-2)
<b>AYE(S):</b> Priest, Nedlik, De Angelo, Dzedzic, Weiss	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

**Acting chair Christopher Dzedzic abstained from participating in the following case because he lives in a very close proximity to the proposed project. He made a motion to nominate Joesph De Angelo as the acting chair for the 110 Fairview Ave project.**

<b>MOTION</b> to nominate Joseph De Angelo as acting chair		
<b>FIRST:</b> Dzedzic	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> Priest, Nedlik, De Angelo, Dzedzic, Weiss	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 110 Fairview Ave	<b>CASE NUMBER:</b> PC-2024-0005
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Modification Review for the construction of a 12,750ft <sup>2</sup> building with 20 sleeping units on an existing Social Services campus in the R-2 One-and Two-Unit Dwelling District	
<b>APPLICANT:</b> Fairview Recovery Services	
<b>REPRESENTATIVE(S):</b> Sarah Campbell (Attorney, HH&K), Patrick Haley (Executive Director, Fairview Recovery Services, Inc.), Kenneth Gay (Architect, Keystone Associates)	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ 4 parking spaces were eliminated from the northern parking area.</li> <li>▪ Showed landscaping on the northern parking area entrance as well as additional landscaping along the property line.</li> <li>▪ No changes in the number of beds, it remains at 20 beds. Reduced the cost of the project by reducing the total square footage, <i>commented by Representative (Gay).</i></li> </ul>	
<b>PUBLIC COMMENT:</b>	
<ul style="list-style-type: none"> <li>▪ <b>Anthony Mazza (neighbor at 11 Clapham St) spoke in opposition of the project.</b> Mr. Mazza had following to say about the project, it is hard to understand the scope of the project and where it exactly is taking place. The project that was approved in December 2022, in the corner of Merrick and Fairview, not sure on the validity of the approval as it stands as there has been no progress. Not one person living up there is in favor of this plan, but not everyone has been sampled on their favor or opposition of the project (out of 10 houses surrounding 110 Fairview, 8 of them are in opposition of this project). Not against people getting help, but people coming to get treatment at this facility walk on the outside of the property onto neighboring streets and that has area’s residents feel afraid. One of the suggestions was St. Mary’s (full gym, kitchen with ovens, range, refrigeration, court, etc.), which was on sale and would have made an ideal location for this type of project. The current location does not benefit the people they are trying to help.</li> <li>▪ <b>Becky Ewing (neighbor at 22 Clapham St or 72 East St) spoke in opposition about the project.</b> Ms. Ewing had following comments, there were letters written in opposition in the 2022 meeting outlining concerns about safety of neighboring houses with increases in volume of vehicles coming and going on adjoining streets. Fairview Recovery are keeping the greenspace on the property,</li> </ul>	

which is a big positive and makes “me” happy, because the area is a residential zone and “I” do not want to see it turned into a commercial area. My main concern is, if they change their build down the line, are they going to do what they need to get it done and change what the use of it is for? Talked with Patrick Haley, I just need a guarantee that this project is it, and that no further expansion from 110 Fairview Recovery Services will be proposed. A year and half ago the Planning Commission approved the project for 110 Fairview, but the chair of the board said to not come back for another project, this is it.

- **Sarah Campbell (Attorney, HH&K) representing the applicant, spoke about the project.** This project was already approved after a series of public meetings and comments; the only reason we are here tonight is because after having done engineering of the site, we want to avoid 12-inch storm line, so we are building 10 ft over from previous location. As well as moving the driveway over just to get it away from the intersection. The only change is because of the movement of the driveway, there will be a loss of 4 parking spaces, which could be located on norther part of the parcel off Clapham St, but we would like to avoid doing that to not take away existing green space/landscaping. Parking space requirements are met without those four spaces.
- **Kathy Gross (resident at 15 Merrick St) spoke in opposition of the project.** Ms. Gross had following to say about the project. Fairview Recovery has made major changes, which “I” am pleased about from last meeting and please to hear that the applicant wants to fix the drainage issue that has been awful at Merrick St and Fairview Ave. There is a building that is coming down as part of the project, I was unaware of that, so if the neighborhood could be made aware of all the construction happening, it would be great. We as neighbors would like to see this project move along and be completed, not having to keep coming back in front of the board.
- No letters received.

**APPLICANT RESPONSE TO PUBLIC COMMENT:**

- **Acting chair (De Angelo) asked,** what was the reason to avoid the 12” drainage line?
  - **Representative (Gay) commented,** the drainage line is north of a building (pink building on site plan) and adjacent building up the hill, we did not want to relocate the storm line, it is on Fairview Recovery Services’ property, not on city’s property. Furthermore, it runs through the middle of the property, by moving the projected building 10’, we were able to eliminate removing the storm line and relocating it.
- **Representative (Gay) commented,** we are required to provide 39 parking spaces per our use, but we are providing 51 parking spaces, and asking for leniency on not building out 4 more parking spaces to avoid taking away green space.
- **Staff (Martinez) commented,** the moving of the building by 10’, the footprint of the building being bit smaller, and the moving of the ingress/egress of the site off Merrick St triggered the need for site plan modification review with a public hearing.

**VOTING**

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

<b>FIRST:</b> Priest	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (4-0-3)
<b>AYE(S):</b> De Angelo, Weiss, Nedlik, Priest	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio, Dziedzic

**MOTION** 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:

- Waiver of 4 parking spaces for the project

<b>FIRST:</b> De Angelo	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (4-0-3)
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<b>AYE(S):</b> De Angelo, Priest, Nedlik, Weiss	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio, Dzedzic
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**Acting chair (Dzedzic) came back to the meeting at 7:42PM, at the conclusion of 110 Fairview Ave project.**

<b>OTHER BUSINESS</b>		
<b>NAME:</b> Clinton Street Rezoning		
<b>DESCRIPTION:</b> Potential grant funded project to construct housing at a vacant property on Clinton St. It would not be allowed under the current Zoning District, which is an industrial zoning district. This proposal prompted the review of the surrounding area, and it was found that the Comprehensive Plan recommended that it be rezoned. This recommendation to rezoning would conform with the comprehensive plan and to allow this housing project to move forward. The area is deemed to be rezoned according to the comprehensive plan, which took over a year long process, and involved lots of community input. It was deemed that this area was improperly zoned as industrial, and it should instead of neighborhood commercial. This project will require a public hearing, but City Council who is the official body that will vote on the rezoning will have the public hearing open.		
<b>MOTION:</b> The Planning Commission recommends to the City Council to approve the Rezoning of Clinton St		
<b>FIRST:</b> Priest	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (4-1-2)
<b>AYE(S):</b> De Angelo, Priest, Nedlik, Weiss	<b>NAY(S):</b> Dzedzic	<b>ABSTENTION(S):</b> Corcoram, DiFulvio

<b>ADJOURNMENT</b>		
<b>MOTION</b> to adjourn		<b>TIME:</b> 7:52PM
<b>FIRST:</b> Weiss	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (5-0-2)
<b>AYE(S):</b> De Angelo, Priest, Nedlik, Weiss	<b>NAY(S):</b>	<b>ABSTENTION(S):</b> Corcoran, DiFulvio