



# City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
<b>MEETING DATE:</b> July 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	
Joseph De Angelo	X	
Christopher Dziejczak (Vice chair)	X	
Mario DiFulvio	X	
Kyle Nedlik	X	
Kelly Weiss	X	
Emmanuel Priest	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Juliet Berling	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 July 2, 2024 meeting minutes as written		
<b>FIRST:</b> Priest	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Dziejczak, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio, Nedlik	<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> Eric Rundels	
<b>DISCUSSION POINTS:</b> <ul style="list-style-type: none"><li>▪ Applicant is applying for a cultivation license to grow 3100 square feet of Cannabis at abovementioned address</li><li>▪ It is an overall 10,000 square feet building sitting on a ~12,500 square feet parcel of land, the applicant would be using 65% of what would be allotted by NY State</li><li>▪ Cultivation of cannabis and lightly processing it, which will involve trimming, packaging, and transporting it out of the facility to sell it to cannabis dispensaries</li><li>▪ There will be security cameras inside and outside of the facility in compliance with the state guidelines</li><li>▪ The facility will be "reviewed" by the state as frequently as they choose to</li></ul>	

- **Vice-chair (Dziedzic) asked**, currently the applicant’s application for cultivation license is under review by the state, what happens if it does not get approved?
  - **Applicant (Rundels) replied**, “I have another license holder (Birch and Bloom cannabis farm) that already has a license and would allow me to work under their license
- The site plan has been updated (new plan was not available for review at the time of the meeting), which shows 4 spaces parallel to the building, set at 8.6’ by 23’ and wheelchair accessible. A bike rack is proposed for where space 1 (was told to leave it as a buffer space for landscaping) is located on the site plan. (**Rundels**) – only employees will be allowed to enter the building
- Office of Cannabis Management (OCM) are very strict about signage and advertisement
- The garbage dumpster/can will be located on the inside of the building with a lock per the law
- **Commissioner (Nedlik) asked** about the air filtration turnover in the building and if there will be odor mitigation system in place?
  - **Applicant (Rundels) commented**, the building has been spray foamed and there will be a very large carbon filtration systems and a system that brings in fresh air and ionizes it as it comes in so no pollutants are brought into the facility.
- **Vice-chair (Dziedzic) asked** if the applicant also owned the 3 story tall building next door and whether or not it is sharing a wall to 225 Chenango St or not? And rehab being performed within your building, will it structurally impact the tall building?
  - **Applicant (Rundels) replied**, the building is not sharing a wall and he does not own it, though he had inquired about the purchasing it. No structural work has been done whatsoever.
- **Chair (Corcoran) asked** about the hours of operation the building will be used. And the grow lights will not be a cause of concern and be a nuisance to the night sky?
  - **Applicant (Rundels) commented**, 8:00 am to 4:00 pm on weekdays, on weekends there will be someone checking up on the project. No, there is only one window in this building and is in front where the bathroom is, hence there will be no excessive light coming through.
- **Corporation Counsel (Heary) commented**, the approval of this use will require a Zoning Amendment because the district in which the property is located in does not allow any cannabis related businesses by right currently. If the amendment is passed, there would be an expectation of applicant having to acquire a special use permit.
  - **Planner (Patel) commented**, the applicant acquired a use variance and was approved by the ZBA. The proposed use is located very close to I-1 (which should be I-2 instead), which allows industrial cannabis use with a special use permit approval. The applicant will not have to go to the City Council and acquire a zoning amendment change approval, because they acquired the use variance approval which allows them to operate the business depending on whether or not the Planning Commission approves the project as well.
  - **Vice-chair (Dziedzic) asked** where is 225 Chenango St located in proximity to a Zoning district that does allow cannabis as a land use.
- **Vice-chair (Dziedzic) commented**, with the new facts, it is one thing if the project is located in a zone where cannabis use is allowed, but if 225 Chenango St is not located in a zone where it is allowed, I am less interested in expanding said zones. As 1 of 7 members, I would be reluctant to approve it since there was a long process between the Planning Commission, the Planning department, City Council to approve appropriate zones for cannabis business.
  - **Applicant (Rundels) commented**, it is unfortunate, but my building is located directly across from a zone where the proposed use would be allowed.

**VOTING**

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

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>MOTION</b> to schedule a public hearing at the August regular meeting		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

**PUBLIC HEARINGS & FINAL DELIBERATIONS**

<b>ADDRESS:</b> 23 Henry St	<b>CASE NUMBER:</b> PC-2024-0014
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**DESCRIPTION FROM AGENDA:** 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

**APPLICANT:** Steven Vassallo

**REPRESENTATIVE(S):** Steven Vassallo (managing member), Anthony Rojas (Architect, in-Architects)

**DISCUSSION POINTS:**

- 4 bedroom or 5 bedroom arrangement on each floor, totaling 52 bedrooms and 12 units throughout the building – 3 units per floor
- The parking lot was restructured around the current parking guidelines according to the zoning ordinance and reducing the amount of curb cuts that currently exists along the entire Prospect Ave boundary – reduced to a single curb cut of 24’ in length
- Would be requesting a reduction of 5 parking spaces – going down from 28 spaces to 23 spaces based on the overall parking count due to the drive aisle width and space needed to access the parking spaces
- Dumpster enclosure will be located on Prospect Ave side – will feature a separate 18’ cub cut, maintaining a 5’ side setback from the property line for the enclosure
- The parking area will be surrounded by new landscaping on all sides
- **Vice-chair (Dziedzic) asked**, under the new updates plans, the applicant mentions reducing the parking to 23 spaces and the ability of the Planning Commission to grant a reduction of up to 50%, why should the Commission grant a reduction?
  - **Representative (Rojas) commented**, it was the Commission’s recommendation to modify the existing parking spaces – based on the present parking lot without modifications, the project meets the required parking space count; but due to the alterations in the ingress/egress, enlargement of the aisle width, changing the sizing, the applicant was forced to reduce the number of spaces and what they could fit onto the site.
  - **Chair (Corcoran) commented**, at the last meeting the current proposed layout of the parking was conversed about and as it stands it does not meet the required layout guidelines of the Zoning Ordinance, so a compromised was talked about. If the applicant agrees to change the layout of the parking lot to meet the zoning ordinance, the Commission might be amenable to reduction in parking spaces.
- 239 Review Comments: there were no significant countywide impacts. Residential units should include universal design for all age groups and abilities. The site plan should show SHPO determination, CAUD decision, staff report recommendations for sidewalk and parking layout, any dumpster enclosure, plans for trash removal, and any special use requirements.
- **Corporation Counsel (Heary) commented**, this project has not gone before CAUD yet. The applicant mentions exterior renovations such as repairing masonry, repainting surfaces, refinishing decorating columns, as well as moving a staircase and addition of new lighting, which will definitely have to go before CAUD if it is going to be exterior lighting on the building.

**PUBLIC COMMENT:**

<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> to APPROVE reduction of 5 parking spaces, from minimum 28 spaces required to 23 spaces		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (6-1-0)
<b>AYE(S):</b> Corcoran, Weiss, Priest, Nedlik, De Angelo, DiFulvio	<b>NAY(S):</b> Dziejdzic	<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>▪ Applicant acquiring required approval(s) from The Commission on Architecture and Urban Design (CAUD)</li> </ul>		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Nedlik	<b>VOTE:</b> Carried (6-1-0)
<b>AYE(S):</b> Corcoran, Weiss, Priest, Nedlik, De Angelo, DiFulvio	<b>NAY(S):</b> Dziejdzic	<b>ABSTENTION(S):</b>

<b>PUBLIC HEARINGS &amp; FINAL DELIBERATIONS</b>	
<b>ADDRESS:</b> 40 Clinton St	<b>CASE NUMBER:</b> PC-2024-0015
<b>DESCRIPTION FROM AGENDA:</b> Site Plan Review and a Special Use Permit for the conversion of an existing commercial building into an event venue in the C-4 Neighborhood Commercial District	
<b>APPLICANT:</b> Francisco Matesanz	
<b>REPRESENTATIVE(S):</b> Francisco Matesanz, Alana Davis	
<b>DISCUSSION POINTS:</b>	
<ul style="list-style-type: none"> <li>▪ Event venue and photo studio – little over 3000 square feet of space (formerly a dry cleaner business) – small to medium sized events, family oriented events like anniversaries, birth parties, baby showers, etc.</li> <li>▪ Same applicants were approved for a different land use at the exact location – a pet crematorium, but decided to not pursue it, instead want to expand on their existing studio business</li> <li>▪ <b>Chair (Corcoran) commented</b>, per the staff report, staff recommends paving of the parking lot with asphalt or other permeable material and proper stripping of parking spaces. <ul style="list-style-type: none"> <li>- <b>Applicant (Matesanz) commented</b>, stripping will definitely be completed, but if only spot patching could be done to the parking lot where needed to last for couple years, it would be great.</li> <li>- <b>Vice-chair (Dziejdzic) commented</b>, if the Planning staff has identified this issue in the staff report, it speaks it is bad enough that the issue should be addressed. There was another recent Clinton St proposal where there was a debate about the quality of the parking and materials to use for the paving.</li> </ul> </li> <li>▪ <b>Corporation Counsel (Heary) commented</b>, looking at the pictures, there are potential liability issues with someone walking on it and if the surface is uneven and there is a problem and if it continues to deter further, citation becomes more of a problem.</li> <li>▪ <b>Commissioner (De Angelo) commented</b>, there may be an option to have an Engineer take a look at the parking lot and give you an option to patch the pavement with seal coating, which would give the applicant time and save money rather than asphaltting the whole lot.</li> <li>▪ 239 Review from Broome County found not significant countywide impact that will be caused by the project. Historic character of the existing street lamp style should be considered when designing any new exterior lighting. The site plan should comply with BMTS and Broome County Health Department comments.</li> </ul>	

- BMTS: a lone parking space on the western portion of the building should be blocked off for vehicle parking as a safety issue – as a vehicle would back out on to the ongoing traffic on Clinton St.
  - Applicant asked for ways to block off the lone parking space, because he is the only one who parks in the allocated space.
  - Chair (Corcoran) commented, one way would be tear down the pavement to make it not look like a parking space
  - Other commissioners showed no drastic concerns about the lone parking space
- **Vice-Chair (Dziedzic) asked** if the applicant plans to turn part of the building into a garage referencing submitted site plan(s).
  - **Applicant (Matesanz) replied**, the design professional did not change certain labels on the site plan, the garage was meant for previous land use approval for a crematorium.
- Applicant contacted the NY State DEC about contamination comments received from the County. And DEC told them that there is nothing of concern present on the site, they do not have any record of any contamination that they have.

**PUBLIC COMMENT:**

- **Asif Jilani came to talk about the project.** Mr. Jilani had following to say: he did not what business was going to occupy the facility at 40 Clinton St, there was a misconception as to what type of business was set to open, so that is why the email in opposition was written. The neighborhood is unfortunately not a good neighborhood, so if there was going to be a bar, it would create more problems. After having a chat with the applicant (Matesanz) and him reassuring that there will not be a bar, he took back his opposition view and is in support of the business. It is a great idea, he will be bringing a good business to the community and it is appreciated.
- 1 letter received in opposition (from Mohammad Nawaz, neighbor at 35 Dickinson St) – it was not read into the record
- 1 email received in opposition (from Asif Jilani, neighbor at 176 Murray St)

**APPLICANT RESPONSE TO PUBLIC COMMENT:**

- **Not available**

**VOTING**

**MOTION** 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> Dziedzic	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Priest, Nedlik, De Angelo, DiFulvio, Dziedzic	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

**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:

- Parking lot is repaved and stripped with an appropriate treatment plan for paving per the planning department discretion and approval. The amount of time given for the planning department review of the treatment plan should be extended to 14 months.

<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Weiss, Priest, Nedlik, De Angelo, DiFulvio, Dziedzic	<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			
<b>REPRESENTATIVE(S):</b> Not present			
<b>DISCUSSION POINTS:</b>			
<ul style="list-style-type: none"> <li>▪ Public hearing was left open from last meeting</li> <li>▪ 239 Review Comments stated there were no significant countywide impacts</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>Public hearing was CLOSED</b>			
<b>VOTING</b>			
<b>MOTION</b> for a Negative declaration			
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Dzedic	<b>VOTE:</b> Carried (7-0-0)	
<b>AYE(S):</b> Corcoran, Dzedic, Weiss, Priest, Nedlik, De Angelo, 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 grant additional 5% lot coverage (up to 75%) and reduction of 3 required parking spaces		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Dziedzic, Weiss, Priest, Nedlik, De Angelo, 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 approved		
<b>FIRST:</b> Corcoran	<b>SECOND:</b> Weiss	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Corcoran, Dziedzic, Weiss, Priest, Nedlik, De Angelo, DiFulvio	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

<b>OTHER BUSINESS</b>
<p><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</p> <p><b>DISCUSSION:</b></p> <ul style="list-style-type: none"> <li>• <b>Commissioner (Nedlik) commented</b>, even if any of the Commissioners agreed with the nature of a project in practice, it is important for it to go through the process it is required to go through, it is important and is noted in the department memo. Public comment portion is important, it should not be forgone, the Commissioners and others should have to hear what the public has to say about a particular project as well.</li> <li>• <b>Corporation Counsel (Heary) asked</b> the board to address the proposed amendment through the light of the Comprehensive Plan <ul style="list-style-type: none"> <li>- <b>Director of planning department (Berling) commented</b>, as of present time, per the Zoning Ordinance, Social Services as a land use requires a special use permit approval to be located in any Zoning district. By changing it to being allowed by right in an urban business park district, it does not meet the comprehensive plan goals. The special use application process allows community comment(s) on any sighting of facilities, but by making the land use allowed by right, it takes away the community/neighborhood input. It is not spelled out specifically in the</li> </ul> </li> </ul>

comprehensive plan, but the plan does not support rezoning of the I-1 Urban Business Park district.

- The recommendation is based on the points listed in the memo dated June 11, 2024.

**MOTION:** for a recommendation of DENIAL to the City Council

<b>FIRST:</b> Weiss	<b>SECOND:</b> Dziezic	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Dziezic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>

**ADJOURNMENT**

**MOTION** to adjourn

**TIME:** 6:30PM

<b>FIRST:</b> DiFulvio	<b>SECOND:</b> Priest	<b>VOTE:</b> Carried (7-0-0)
<b>AYE(S):</b> Dziezic, Weiss, Corcoran, De Angelo, Seepersaud, DiFulvio, Nedlik	<b>NAY(S):</b>	<b>ABSTENTION(S):</b>