



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: August 6, 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	
Kyle Nedlik	X	
Kelly Weiss		X
Emmanuel Priest	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Juliet Berling	Director, Planning 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		
MOTION to approve the July 2, 2024 meeting minutes as written		
FIRST: Dziedzic	SECOND: DiFulvio	VOTE: Carried (5-0-0)
AYE(S): Dziedzic, Weiss, Corcoran, De Angelo, Seepersaud	NAY(S):	ABSTENTION(S):

SEQR DETERMINATIONS	
ADDRESS: 22 Charles St	CASE NUMBER: PC-2024-0019
DESCRIPTION FROM AGENDA: Site Plan Review for the construction of an addition onto an existing industrial building and the establishment of a 51,114ft ² Light Industrial business in the I-1 Urban Business Park	
APPLICANT: Firomar Inc.	
REPRESENTATIVE(S): Paolo Maccabruni (Project Manager, Firomar Inc.)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Installation of a new facility that will produce products for the building industry ▪ Some of the equipment being used by Firomar to produce building products such as structural panels - new technology to able to provide energy efficiency to old buildings, not only new construction, is owned by the representative's company in Italy (conjunction work with Firomar Inc.). 	

- Equipment to produce the building products will be moved from Connecticut to the plant at 22 Charles St in due time
- Production of the products can begin as early as November of 2024, even without establishment of the building expansion (**Maccabruni**).
- The business will be hiring 20-25 personnel at the beginning, but the work production will be 20-25% of overall capacity due to lack of floor space
- **Vice-chair (Dziedzic) commented**, the staff report references about the site being close to the National Register of Historical Places. What is substantially contiguous in that part of the neighborhood?
 - **Staff (Martinez) commented**, the former AnSCO factory is across from the project site, at 15 and 17 Charles St, which is on the National Register Historic Places.
- **Chair (Corcoran) asked** the representative if they could provide a plan as to what the addition/expansion of the building will look like on the site, for the next meeting.
 - **Representative (Maccabruni) replied**, just received the 3d modeling of the new proposed building and will have the updated plans to present to the board for the next meeting. The final concept of the building is in the shape and form of the existing building, same color and exterior, it is designed based on the needs of the representative as a project manager.
 - The Plant will most likely be in operation for 2 shifts, 25-30 people per shift
 - Most of the space will be used as a warehouse, because the final product has to be stored for 3 days before exporting delivery takes place
- **Chair (Corcoran) commented**, the business will have tractor trailers coming into the site to take delivery for materials and maybe drop off, do you have a loading dock for the deliveries? It is not shown on the site plan.
 - **Representative (Maccabruni) replied**, at the present stage we have a road coming from behind 22 Charles St, which for the early stages is where the trucks are supposed to be coming into the property. At a later stage of the project, it is foreseen to have a loading bay(s), on the side of "Flint St" (unable to understand what street is named). Will be loading the trucks via usage of forklifts.
- **Vice-chair (Dziedzic) asked**, the site plan is only showing 17 parking spaces, but 31 spaces are required, and the first round of hiring will include 20-25 people, ending up with up to 40 people. Why is the applicant not providing more parking spaces?
 - **Representative (Maccabruni) replied**, at the present stage all the focus as a project engineer has been on the productivity of the product, the applicant (Kieran) in time will be purchasing the land behind 22 Charles St to provide additional parking spaces and additional storage. Will talk to the applicant about addition of 15 more parking spaces per the Commission's request. As an Engineer, my focus is to get the facility to start production which will improve the local economy
- **Vice-chair (Dziedzic) commented**, the driveway entrance that is going to West St, it is very narrow, the staff report mentions it is only 20 feet wide, not wide enough for 2-way traffic. Are there plans for this driveway to be marked as an entry or exit only route?
 - **Representative (Maccabruni) replied**, for us it is not a problem. In reality we enter through Charles St and work through there, one way is enough.
 - **Staff (Martinez) commented**, there is an option for the applicant to purchase more of the business park to the north. In the meantime for the applicant to begin their business and production, they would require a waiver for parking spaces for now to meet the requirements.

- **Chair (Corcoran) commented**, the staff report asks for clarification on the plantings – city of Binghamton’s code has some requirements on how much and type of plantings (landscaping). A plan that shows exactly what you are planning to plant around the site.
 - **Representative (Maccabruni)** agreed to provide some sort of landscaping plan(s).
- **Chair (Corcoran) asked** what the applicant plans to do with the tanks present on site.
 - **Representative (Maccabruni) commented**, in reality we are going to shear them off and recycle the material with Greenblott Metal Company that we are working with.
- **Commissioner (Nedlik) asked** if the exhaust stack will remain on the building.
 - **Representative (Maccabruni) replied**, at the present phase, just to get the production moving along we are only going to remove what is necessary from the inside and outside of the building. Then it will be the expansion of the building in step 2. Then there will be a construction of the warehouse at a future time that should go directly in the northern direction, in the part of land that is yet to be purchased. We will remove all of the stacks, already in talks with a company who will be performing that part of the plan. There was an inspection of the interior stack using a drone, it is in a very good shape, so it is safe.

VOTING

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

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Dziedzic, DiFulvio, Priest, Nedlik	NAY(S):	ABSTENTION(S):

MOTION to schedule a public hearing at the September regular meeting

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Dziedzic, DiFulvio, Priest, Nedlik	NAY(S):	ABSTENTION(S):

SEQR DETERMINATIONS

ADDRESS: 162 Court St	CASE NUMBER: PC-2024-0017
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DESCRIPTION FROM AGENDA: Site Plan Review and Special Use Permit for the conversion of the basement and first floor of an existing mixed-use building into a Self-Service Storage Warehouse in the C-1 Service Commercial District

APPLICANT:

REPRESENTATIVE(S): Robert Harner (Lakeside Engineering), Eva Sampedro (Skyway Equities), Gerardo Esper? (Skyway Equities)

DISCUSSION POINTS:

- 4 story mixed use building - floors 2-4 occupy 56 apartment units, ground floor is vacant
- Applicant is proposing to add 66 storage units (either 4x8’ or 8x8’ in size) in half of the basement and entirety of the ground floor – repurpose empty space into something useable
 - Units will primarily be for the residents living in the building and other non-residents as demand calls for it and if there is a shortage in the area
- Existing building is up to code, there is an installation of a new fire alarm and a fire suppression system put in
 - There are 2 means of egress out both the ground floor and the basement (Harner)
- **Vice-chair (Dziedzic) asked**, what is applicant’s plan with the windows on the ground floor facing Court St?

- **Representative (Harner) replied**, current there are just blinds. The windows will remain, the façade and everything will stay the same. The design has not been finalized yet, but the windows could be fogged.
- **Vice-chair (Dziedzic) asked** the representative to explain how the storage units will be accessed and what security measures will be taken to secure the units.
 - **Representative (Harner) replied**, off of the first floor on Carroll and Court St, there is a 3 foot door to bring products into the storage units through there. Going down to the basement, there is two ways to get down to the basement as well. There will essentially be a security system of some kind (card reader entry, coded access, etc.) with cameras to enter the premises and obtain access to the units. And the units themselves will have a key and a lock.
- **Commissioner (Nedlik) asked**, is the existing fire suppression to remain or will it be upgraded for the potential combustible storage?
 - **Representative (Harner) replied**, currently the building has a full sprinkler system along with fire alarms. So, the existing systems will remain in place, there is a 1 hour fire suppression between the 1st and 2nd floors, as required by the code (if there are any modifications, it will be shown to the code office). Presently as it stands, the existing systems in place would be enough to provide coverage to both floors (basement and ground). Flammable items such as lawn mowers, gas cans, snow blowers, etc., will be prohibited from being stored in a mixed use building, so that is something that will be documented in a lease agreement as well.
- **Vice-chair (Dziedzic) asked**, currently the square footage of the new project requires 2 parking spaces and there are no parking spaces available on this lot. What is your plan? The staff report notes that if the applicant were to reduce the area to 4,000 square feet, it would eliminate the need for parking.
 - **Representative (Harner) replied**, per our understanding, if the storage units were used primarily by the occupants that the parking requirement may not exist. There is also on site street parking. It is a remote system primarily used by the tenants of the building, there will be no employee present on site.
 - **Staff (Martinez) commented**, the use of self-storage warehouse has a parking requirement – the 4000 square feet of gross floor area (due to the building being existing) do not get used in the calculation, the remainder area does get factored in the requirement which equaled 2 parking spaces for the use. The fact that the storage units will only be used by the tenants does not affect the parking requirement.
- **Representative (Harner) commented**, currently the units are laid out in a manner that would maximize the units, however they are designed in a way that if a tenant wanted a bigger space than 4x8', we could take a wall out and make it 8x8'. For parking, the only other way to suffice the need could be to get a designated space on the street or a 15 minute loading zone if that would meet the requirement.

VOTING

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

FIRST: Corcoran	SECOND: Nedlik	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Dziedzic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):

MOTION to schedule a public hearing at the September regular meeting

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (5-0-0)
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AYE(S): Corcoran, Dziedzic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):
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SEQR DETERMINATIONS		
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ADDRESS: 211 Court St	CASE NUMBER: PC-2024-0018
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DESCRIPTION FROM AGENDA: Site Plan Review and a Special Use Permit to convert an existing residential building into a Congregate Living Facility with 7 sleeping rooms in the C-1 Service Commercial District

APPLICANT: Robert Pornbeck

REPRESENTATIVE(S): Robert Pornbeck (Owner of 211 Court St), Danielle Dunster (ACBC, Housing Coordinator and Grant Administrator)

DISCUSSION POINTS:

- The property used to be a law firm; it has 2 kitchens and bathrooms. The rooms are off of corridors or vestibules.
- The property has been operated as a rooming house for past 25 years.
- **Chair (Corcoran) asked** why the applicant is just now asking for an approval when they have been operating the land use for so many years in the past.
 - **Applicant (Pornbeck) replied**, was evicting a former tenant/squatter at the mentioned property and they went to legal aid to kick start this process to come before the Planning Commission to get an approval.
- **Chair (Corcoran) asked**, the way the applicant uses the house, do they need the 3 parking spaces located in front of the house?
 - **Applicant (Pornbeck) replied**, the parking spaces are there, but I have five more out in the back of the house. Only one person living in the house currently owns a car.
- **Chair (Corcoran) asked**, if the applicant were no longer in the business of renting the house and wanted to sell it, will it be supervised and controlled by ACBC or will it be on the market for anyone to purchase it?
 - **Applicant (Pornbeck) replied**, it would be sold to whoever would like to purchase it.
- **Vice-chair (Dziedzic) commented**, the staff report mentions the site plan should be updated to show the location of a garbage enclosure to meet all the city requirements.
 - **Applicant (Pornbeck) commented**, the garbage cans are located in the back of the property, I have a dump truck I use it to pick up the garbage, it is picked up every week.
 - **Staff (Martinez) commented**, ideally the applicant must show the location of the garbage (cans or dumpster with enclosure) on the site plan. They would have to be sheltered somehow, under a car port or a fencing enclosure of some sort because of the number of units the applicant will have.

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

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-0)
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AYE(S): Corcoran, Dziedzic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):
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MOTION to schedule a public hearing at the September regular meeting

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (5-0-0)
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AYE(S): Corcoran, Dziedzic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):
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SEQR DETERMINATIONS

ADDRESS: 188 Court St

CASE NUMBER: PC-2024-0016

DESCRIPTION FROM AGENDA: Site Plan Review and Special Use permit for the demolition of an existing structure and construction of ancillary parking lot in the C-1 Service Commercial District

APPLICANT: FGR Realty Inc.

REPRESENTATIVE(S): Sarah Campbell (Attorney, HH&K), Phillip Akel (Principal), Chris Lynch (Delta Engineers)

DISCUSSION POINTS:

- **Staff (Martinez) commented**, because the applicant(s) is/are proposing to combine the parcel at 188 Court St with 184 Court St and 20 Jay St parcels, it would not be considered ancillary parking, therefore it would not require a special use permit.
- The applicant owns 184 and 188 Court St along with 20 Jay St, which is an existing campus like parking arrangement which supports both 184 Court St building as well as a cooperative arrangement with the St. Mary's church at 192 Court St (**Campbell**).
- There is an issue with respect to the complete perimeter for a landscaping buffer – if 5' landscape buffers were constructed over the property lines, traffic flow would be impeded amongst different uses (**Campbell**).
 - Letting the church use the parking lot for events (funeral, weddings, etc.) would be impacted by the landscaping buffer on the property lines (**Campbell**).
 - Curb cuts located on sides of the house at 188 Court St are being removed and combining of the parcels to provide 28 total parking spaces, which will serve the tenants of 184 Court St (**Campbell**).
- **Representative (Campbell) further commented**, there will be addition of 4 new landscaping beds and 4 new trees.
- **Vice-chair (Dziedzic) commented**, compatibility with the comprehensive plan is listed in the staff report, specifically referring to demolition of viable housing... How is it determined that a building is or is not viable housing?
 - **Staff (Martinez) replied**, it is an existing residential building. Last use of the house was not residential, but it was originally constructed as a residential house, an existing use. Viable does not mean any more or any less than that.
- **Vice-chair (Dziedzic) commented**, area of the parking lot towards the north side going towards Court St – is the plan to make the new parking lot at grade with the current St. Mary's lot?
 - **Representative (Campbell) commented**, we did provide an Urban Runoff Reduction Plan (URPP) study, which addresses concerns and shows site has been designed to contain any drainage or runoff that it generates. We will look into the grading issues to avoid potential traffic hazards.
- The applicant will need to file an application with the Zoning Board of Appeals (ZBA) for an area variance for required landscape buffer on the parking lot.
- **Vice-chair (Dziedzic) asked** the Corporation Counsel (Heary) to weigh in on the Planning Commission not being able to waive the landscaping buffer.
 - **Corporation Counsel (Heary) commented**, there is a provision in the code which allows the Planning Commission to waive certain bulk requirements up to certain quantifiable percentage, the landscaping buffer is not listed as one of the requirements in the chart. Therefore it would fall outside on what the Planning Commission could waive. The Planning Commission can only grant a waiver for a certain percentage of the requirements, it cannot grant a 100% of the requirements from the Zoning Ordinance requires.

- **Corporation Counsel (Heary) commented**, it will be up to the members of the Zoning Board of Appeals and Planning Commission along with the City Council members to come together and amend the Zoning Ordinance to give the Planning Commission the ability to waive additional bulk requirements such as the landscape buffer up to certain percentage.
- **Staff (Martinez) commented** (on the modifications the Planning Commission could make), all of the requirements in the bulk table are set things which have whole numbers, so those things are easier for the Planning Commission to easily adjust based on percentage. While landscaping is not, it is site specific and not a quantity of landscaping that needs to be provided, that is probably why it is not in the bulk requirement chart.

VOTING

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

FIRST: Corcoran	SECOND: Choose an item.	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Dzedzic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):

MOTION to schedule a public hearing at the September regular meeting

FIRST: Corcoran	SECOND: Choose an item.	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Dzedzic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 225 Chenango St	CASE NUMBER: PC-2024-
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DESCRIPTION FROM AGENDA: 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

APPLICANT: Eric Rundels

REPRESENTATIVE(S): Eric Rundels

DISCUSSION POINTS:

- There will be no signage advertising Cannabis
- The dumpster are located on the inside of the building, located in the stall on left side of the building
- Individual room dimensions are located on the updated plans per request, proposing to use ~3100 square feet of space to grow Cannabis on a 11,000 square feet building
- Parking space 1 is being eliminated to make room for a buffer zone per the Planning Commission request
- Cleaning up the landscape area was mentioned – pick up bags of garbage there every week and it is a problem, but it is being cleaned up
- **Chair (Corcoran) commented**, at the previous meeting we talked about options for making it so people would not have to pull out into the street from the parking lot. Any thoughts or updates on that?
 - **Applicant (Rundels) commented**, parking spaces are spaced quite a bit apart, so they are going horizontal instead of going perpendicular with the building. You will be able to back up and drive forward. There is enough space for 4 spaces; there is an existing driveway and a curb cut, and it will be used.
- **Commissioner (Priest) asked** if the fenced enclosure will be taken down. And **Commissioner (Nedlik) asked** if the area around the enclosure would be asphalt or gravel?

- **Applicant (Rundels) replied** with a yes. It is gravel, there is concrete as well, but a good chunk of it is gravel. Our plan is to make it to asphalt, to make it easier to plow it, once we remove the fence, it will be paved.

PUBLIC COMMENT:

- No one spoke in favor nor in opposition of the project.
- 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 (5-0-0)
AYE(S): Corcoran, Dzedic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):

ADJOURNMENT

MOTION to adjourn	TIME: 6:43PM	
FIRST: Priest	SECOND: Dzedic	VOTE: Carried (5-0-0)
AYE(S): Corcoran, Dzedic, Priest, DiFulvio, Nedlik	NAY(S):	ABSTENTION(S):