



City of Binghamton Planning Department

SUMMARY OF MINUTES CITY OF BINGHAMTON PLANNING COMMISSION	
MEETING DATE: February 7, 2023	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 (vice-chair)	X	
Christopher Dziedzic	X	
Mario DiFulvio	X	
Steve Seepersaud	X	
Kelly Weiss	X	
Emmanuel Priest	X	
STAFF MEMBERS PRESENT:	TITLE & DEPARTMENT:	
Dr. Juliet Berling	Director, Planning Department	
Tito Martinez	Assistant Director, Planning Department	
Shalin Patel	Planner, Planning Department	
Greg Buell	Zoning Officer, Planning Department	
Brian Seachrist	Corporation Counsel	
Elisabeth Rossow	Corporation Counsel	

APPROVAL OF MINUTES		
MOTION to approve the January 3, 2023 meeting minutes as written		
FIRST: Dziedzic	SECOND: Seepersaud	VOTE: Carried (7-0-0)
AYE(S): Dziedzic, Seepersaud, Corcoran, DiFulvio, De Angelo, Weiss, Priest	NAY(S):	ABSTENTION(S):

SEQR DETERMINATIONS	
ADDRESS: 81 State St	CASE NUMBER: PC-2023-0002
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the establishment of an Eating & Drinking Establishment (tavern) in a below-grade commercial tenant space in the C-2 Downtown Business District	
APPLICANT: Diane King	
REPRESENTATIVE(S): Diane King (owner operator of Aqua night club and future bar of 81 State St; Dylan Young (General Manager of Aqua nightclub), Alan Pope (Coughlin & Gerhart, representing the building owner, not the applicants), Jim Slocum (building owner)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Sports bar with food and seating, open from Tuesday-Saturday (8pm-1am) ▪ Commissioner (Dziedzic) asked the applicant to explain Aqua and explain their business. <ul style="list-style-type: none"> - Representative (Young): It is a nightclub located at 124 State St, owned by Diane King for about 2 years. It is a tri-level bar lounge nightclub. ▪ Chair (Corcoran) made a comment on the applicant owning two bar lounges in the Downtown area. 	

- Applicant (King): there are so many young people here. But there are a lot of older people that want something different too.
- Representative (Young): We will still keep Aqua, but this club will deal more with culture stuff, private events, as how we have been doing it in the past.
- Commissioner (Seepersaud) commented about some of the modification work that the applicant will plan to do in the space.
 - Applicant (King): there will be a kitchen in the back, 2 exists – front and back, space for garbage in the front
- Commissioner (Weiss) commented about addressing the garbage/trash situation and how there is always a problem with such
 - Applicant (King): we have a 10x12 room where we will place garbage cans in that room and stack them up for Mondays when they go out
 - Representative (Young): we will be using Taylor Garbage cans as we have been using at Aqua and we also have a room to store extra trash to be taken out
- Chair (Corcoran) asked if the applicants worked with engineering firm to design out the plans or if they acquired it from another individual who owned the bar before? And asked about the space having full sprinkler system.
 - Representative (Slocum): the designs and plans submitted are specifics for this project only and has a full sprinkler system.
- Commissioner (Dziedzic) commented asking the applicant(s) to discuss security measures and security personnel, camera, and to update the plans to reflect the location of cameras on the site.
 - Applicant (King) and representative (Young): Yes. The cameras are not located on the plans, but we will work with an engineer to implement cameras. We have about 13 cameras in total throughout our facility at Aqua nightclub.
- Commissioner (Dziedzic) commented about previous establishments being proposed for this same except space in the past and if it was either closed, denied, or had some sort of problem. Is there some sort of scrutiny that the PC should be considering?
 - Staff (Martinez) commented, the previous application was for a hookah bar lounge and was actually approved by the PC, but never opened. There are other underground amenity spaces, but those are all private establishments, where tenants use the space(s) vs. public.
- Chair (Corcoran) commented, the only way in or out of the building currently is via stairs, correct? And you do not plan on changing the way of entry by adding an elevator or a lift, correct?
 - Applicant (king): Yes. We do not have it elevated inside, so it is not handicap accessible right now.
- Commissioner (Weiss) commented about trash situation. She hopes that trash won't be a problem, that it won't be lingering onto the street, and it'll always be clean in the morning. There won't be a myriad of cups and bottles and excess out there all the time.
 - Applicant (King): we will clean the place before we leave, there is enough time to do that.
 - Representative (Young): We have always been on top of our stuff with trash and security with Aqua and we will make sure that this level of cleanliness continues.
- Commissioner (DeAngelo) commented about having updated drawings. Because as submitted ones are from 2020 code, which could be verified, but the latest one on the fire would suffice.

VOTING

MOTION that the proposal involves the reuse of an existing commercial building, which is a type II action under SEQR, and no further environmental review is required

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (7-0-0)
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AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):
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MOTION to schedule a public hearing at 5:20 at the March regular meeting

FIRST: Corcoran	SECOND: DiFulvio	VOTE: Carried (7-0-0)
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AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):
MOTION that the Planning Commission is going to be the lead agency		
FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):

ADDRESS: 127 Murray St	CASE NUMBER: PC-2023-0003
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the addition of 2 dwelling units to the third floor of an existing 7-unit dwelling, for a total of 9 units with 9 total bedrooms, in the R-3 Multi-Unit Dwelling District	
APPLICANT: Flower Hill Hob LLC	
REPRESENTATIVE(S): Michael De Cordova (Principal of Flower Hill Hob LLC)	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Two apartments proposed for big attic space, one is below 500 sq ft, other one is slightly above 500 sq ft. ▪ Requesting relief from strict parking space requirements ▪ Commissioner (Dziedzic) commented about current parking spots on the property and what they are made up of. <ul style="list-style-type: none"> - Applicant (De Cordova): the parking space is not paved in anyway; the space only consists of mud/soil. - Staff (Martinez) commented that there are technically 0 compliant parking spaces, so this project would add 7 spaces. ▪ Commissioner (Weiss) commented on whether or not the applicant has looked into potentially increasing the number of spaces by resizing them. <ul style="list-style-type: none"> - Applicant (De Cordova): there were lane width difficulties and did not know what relief could be offered from the city. Two additional apartments would be for 1 person each only. ▪ Commissioner (Seepersaud) asked about the maximum occupancy between all the apartments as it currently stands. <ul style="list-style-type: none"> - Applicant (De Cordova): we've had couple before, but in general students in the past have lived singularly. Presently there are [3] one-bedroom and [4] studio apartments ▪ Chair (Corcoran) commented, recently we have revised our city code to discourage people from doing what you are exactly proposing in attempts to limit beehives apartments, buildings getting crammed into lots of small units, cramming lots of people as possible. Nine apartments in what used to be a single-family house at some point (in assumption) <ul style="list-style-type: none"> - Applicant (De Cordova): it is an absolute beautiful space will lots of room, albeit with sloping ceilings. If an apartment is for 4 people, I tell my tenants to only have 4 people, they're not going to be anymore, you can't pay more, I don't want that wear and tear. I was told that Binghamton is encouraging smaller apartments because of the affordability crisis, I think the property can handle it. - Have inquired about renting additional parking spaces from the nearby school. Would propose bicycle storage as well ▪ It does appear that there would be a way to get 2 more parking spaces in that back area. If you were able to do that, then you would meet all of the code requirements and would provide all of the parking needed without having to park on the street. Chair (Corcoran) commented. <ul style="list-style-type: none"> - If the landscape buffer is eliminated, we will be close to the turning lane, would talk to the architect about it and look for relief on the turning lane. Would be more than happy to blacktop the whole backyard if it meant we could provide 9 spaces instead of 7. ▪ Staff (Seachrist) commented, experience with developments from that area, school boards have never agreed to rent parking spaces and they do tow cars that have parked there illegally ▪ Commissioner (DiFulvio) commented about the variances needed from the ZBA and what they were. 	

- Staff (Martinez) commented, applicant needs variances for landscape buffer (where they removed as much buffer as they could to try to get in as many parking spaces as they could). Paving the entire backyard would be undesirable from the perspective of the Planning department.
- All the legislation we have been passing has been to prevent addition of too many bedrooms to one unit, which results in a large group, typically students (unrelated) living together. It hasn't been targeting additional units to a building, which we don't see it as a problem. Adding additional units to a building in the city would be a good thing, we don't see a problem with it. (Martinez)
- Commissioner (De Angelo) commented, applicant could modify the plans and push the spaces one way to take away the narrow spaces on both sides of the current existing 7 spaces and push for one more space equaling 8 spaces.
- Staff (Martinez) commented, the Planning Commission has the authority to reduce the number of parking spaces
- Commissioner (DiFulvio) commented about reviewing remarks from the 239 (L, M, N) Review comments.

VOTING

MOTION that the Planning Commission should be a lead agency and the proposal involve the reuse of an existing residential building, which is a type II action under SEQR, and no further environmental review is required

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (7-0-0)
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AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):
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MOTION to schedule a public hearing at 5:25 at the March regular meeting

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (7-0-0)
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AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):
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ADDRESS: 15 Charles St	CASE NUMBER: PC-2023-0004
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DESCRIPTION FROM AGENDA: Site Plan Review and special use permit to convert the basement of an existing mixed-use building to Social Services use (warming station) in the I-2 Light & Medium Industrial District

APPLICANT: Addiction Center of Broome County (ACBC)

REPRESENTATIVE(S): Carmela Pirich (Executive Director of ACBC), Sarah Campbell (Hinman, Howard, and Kattell)

DISCUSSION POINTS:

- Clients are either not housed at all or have no safe housing access
- There is no warming center in Broome County at the moment
 - Individuals who had no place to go, would come into the warming center if it were below 32° weather at 5 'o clock in the evening. Would provide dinner, supervision, monitoring, and oversight for them. They would leave in the morning, we could give them breakfast, help them navigate DSS needs, medical appointments they needed to go to, etc.
 - The county is paying for 310 hotels for people per night, and unfortunately it is still not enough.
 - If you have more than 2 children, hotel rooms would not adhere to families because they do not allow more than 2 children.
- This warming station would focus on single people (so it frees up space in the hotel rooms for families)
- 63,000 sq ft building – it has been renovated, will require work, but it is not some old crumbled up building
- Address is Charles St, but the actual entrance is on Jarvis St (Representative Campbell)
- There will be 1 staff member per 6 individuals available on site for supervision and monitoring. Staff are trained in opioid overdose reversal, crisis management and de-escalation and in trauma to provide a safe, secure space for people. The hotels are not prepared with any kind of training or supplies (such as Narcan). (Pirich)
- Other counties and places such as Oneonta or Syracuse already have warming stations up and running.

- Commissioner (DiFulvio) asked how many beds these other places and counties have for their warming stations
 - Applicant (Pirich) commented, Oneonta has about 20 beds, while Syracuse has a lot more, because they have a whole renovated church building at their disposal. 40 beds would be a safe number for us to start with.
- Commissioner (Weiss) commented about getting an explanation on the partitions that could be visible to separate out the families
 - Applicant (Pirich): our hope is to focus on single individuals so that a family could go to DSS and be placed in a hotel room. There are actually clear plastic dividers that would be between each coat, to separate men, women, children. If we wind up with a family, we will place them within our warming station, because we do not want to turn anyone away.
- Representative (Campbell) made a request for a special public meeting to get an approval before another passes of fall weather. “We need to get people off the street, it’s a horrible situation. We would ask for your consideration to hold the special meeting.”
- Commissioner (Seepersaud) asked the staff (Martinez) whether the establishment of a warming station has other uses. Because on the paper it seems like a shelter, but if the applicants wanted to use this space for something else when the weather changes, would they have to comeback to acquire another approval?
 - Staff (Martinez) commented, the use being approved is Social Services, they would be able to do different things in that space.
 - The only thing other than a warming station would be to do a cooling station in the same fashion.
- Commissioner (De Angelo) commented on the long-term use of the facility. This facility is located right near the abandoned cogeneration plant and so the applicant might be able to get “district heat” over to their building (15 Charles St) from leftover infrastructure. There are a lot of things left behind in that plant, so the applicant might be able to improve it and provide electricity for air conditioning, etc.

VOTING

MOTION that the Planning Commission should be the lead agency and the proposal involve the reuse of an existing commercial building, which is a type II action under SEQR, and no further environmental review is required

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):

MOTION to that the PC will determine the best date a quorum can be convened and have a special public hearing for this project

FIRST: Corcoran	SECOND: Dziedzic	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):

ADDRESS: 91 Front St	CASE NUMBER: PC-2023-
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the conversion of an existing private parking lot to a Commercial Parking Area in the C-1 Service Commercial District	
APPLICANT: John Burns	
REPRESENTATIVE(S): John Burns and Liam Burns	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ The parcel at the above address has been a parking lot for McDevitt Funeral Home and has been used last few years Peterson’s Tavern, it’s part of the approval for housing converted 88 Front St. ▪ Applicant has an agreement with Amicus (who bought 88 Front St), for few parking spaces ▪ Same technology used for this parking lot as the one used by the Metrocenter in Downtown Binghamton 	

- Applicant was cited for criminal citations due to college students leaving red cups in the parking lot, this would be a resolution towards that issue. A gate would prevent students from doing such things in the future. (Representative Liam Burns)
- This parking lot will provide people the ability to stop and shop, to leave and pickup food, they can stay for a few hours in the city
- Representative Liam Burns had a question regarding the change of use to a public parking lot. Citing this would be a commercial parking lot and not a public one.
 - Staff (Martinez) commented, in 2018, applicant came forward in front of the PC to convert the funeral home into housing and use the parking lot at 91 Front St as ancillary parking. This change made the parking lot land use to ancillary parking. Going from parking that is private to commercial use, it activates change of use.
- Commissioner (Dziedzic) commented asking who is allowed to park at the current lot at 91 Front St? If this plan is approved, who will be allowed to come to the applicant to come and purchase these spots? Of the 40 spots, how many are you committing to 88 Front St?
 - Representative(s): only 88 Front St, Peterson’s Tavern, and Thai Time customers are allowed to park there. It is not a monitored parking lot at the moment. It would be like a time/date system. The card entry will only be for the number of committed spots for 88 Front St. Rest of it would be for people that come and go, you get a ticket, you park, pay when leaving type thing. As many spots as they would need, would be committed, in the ballpark of 4 spots total (8 spots are located behind 88 Front St already).
- Chair (Corcoran) commented, per the code there should be planting(s) / green space around the perimeter of the lot and if the applicant were opposed to provide such planting(s)?
 - Representative(s) are not opposed to it; they were just unaware of it until this meeting
 - Staff (Martinez): they have trees shown on the site plan(s), just need to add some shrubs in the strips within the lot

VOTING

Steve Seepersaud abstained from voting on this project due to the Binghamton high school being a neighboring property for which he is a board member on, and the district has been in discussions with various neighbors about trying to increase parking.

MOTION that the Planning Commission should be the lead agency and this action is unlisted for SEQR Review

FIRST: Corcoran	SECOND: De Angelo	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest	NAY(S):	ABSTENTION(S): Seepersaud

MOTION to schedule a public hearing at 5:25 at the March regular meeting

FIRST: Corcoran	SECOND: Priest	VOTE: Carried (6-0-1)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest	NAY(S):	ABSTENTION(S): Seepersaud

ADDRESS: 407 Court	CASE NUMBER: PC-2023-0001
DESCRIPTION FROM AGENDA: Site Plan Review for the construction of a 3642 one-story sales office building on an existing Vehicle Sales lot in the C-1 Service Commercial district	
APPLICANT: Garrison Paugh	
REPRESENTATIVE(S): Garrison Paugh, Kathy Paugh	
DISCUSSION POINTS:	
<ul style="list-style-type: none"> ▪ Looking to operate a car lot at 407 Court St ▪ Applicant also wants to place a pre-built (but unfinished on the inside) shed that is 12’x26’ on onto the lot <ul style="list-style-type: none"> - It will have a bathroom and 2 sales desks in the shed - It will be located in the back center of the lot to conserve lot space for customers - Applicant has a 2-year lease for the lot parcel 	

- Commissioner (Dziedzic) commented about what type of plumbing is available on this lot to supply the bathroom in the shed? He also asked, would it be appropriate to ask the applicants to separate from the site drawings – provide an elevation plan of the shed?
 - Representative (Garrison Paugh): There was plumbing in the back right hand side of the corner of the lot
 - Willing to grab a picture of the shed that is currently placed in another location
- Will not be in direct competition with the neighbor – applicant(s) (Paugh) will be selling used cars, anywhere from \$5,000 - \$30,000, compared to the neighbor selling new cars
- Chair (Corcoran) asked if this particular lot flooded in the last flood? Are you worried about water getting into your shed?
 - Representative (Garrison Paugh): the owner said that the lot got about 2-3 inches of water on the lot. No, it will be on a concrete pad, to make it a permanent structure, not on the ground, so I am not too worried.

VOTING

MOTION that the Planning Commission should be the lead agency for SEQR Review, and this action involves construction of a building which is less than 4,000 sq. ft of area, which is a type II action and no further environmental review is required.

FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):

MOTION to schedule a public hearing at 5:40 at the March regular meeting

FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):

ADDRESS: 138-140 Washington St	CASE NUMBER: PC-2023-0009
DESCRIPTION FROM AGENDA: Site Plan Review for the construction of a new two-story 1,984ft ² Eating & Drinking Establishment in the C-2 Downtown Business District	
APPLICANT: Mikaila Fagnoli	
REPRESENTATIVE(S): Mikaila Fagnoli, Rich David (owner of parcels at 138, 140, 142 Washington St), Chris Kasmarcik, Mark Parker (Keystone Associates)	
DISCUSSION POINTS: <ul style="list-style-type: none"> ▪ 138, 140, and 142 land parcels will be consolidated together into one parcel for this project ▪ Approximate 1900 sq. ft steel building with 2 stories – similar to beer garden style lightning seen at the Metrocenter and other places approved by the PC. Looking also implement garage doors into the building as well, as they have also been previously approved by the PC. ▪ Wants a 33% rear setback waived, which the PC is able to do. ▪ Aggressive timeline – begin to move forward to place order for the steel building, sitework and preparation would arrive in 4-6 weeks. With opening this summer, preferably come June – wouldn’t be a seasonal concept, would like to be opened year around. ▪ Chair (Corcoran) asked, the elevation plans does not show any steps at the front of the building, but the site plan themselves show it. Is the entrance at grade with the streets or are there steps leading onto it? ▪ Commissioner (Dziedzic) commented, looking at the staff comments, why does the CAUD care about the symmetrical nature of the building and equally sized garage doors? <ul style="list-style-type: none"> - Staff (Martinez) commented, that is the purpose of CAUD, urban design in particularly in the Historic districts. It was a condition of CAUD’s approval to have the symmetrical nature for the design. 	

<ul style="list-style-type: none"> ▪ Chair (Corcoran) asked the applicants about their thought on security? How about the two alleys on either side of the building, how do you monitor those? Furthermore, he asked them to talk about the garbage storage. <ul style="list-style-type: none"> - Applicant(s) commented, onsite training will be provided by professional from Syracuse from NY State certified security system. We will have camera system in place along with iPads that we can scan things with. The alleys will be monitored by cameras, they are only required for the building of the property, we are going to use them for storage/garbage storage, it will not be accessible to the general public. - Applicant (Rich David) commented, we would have a private hauler come in to collect garbage, we would use plastic cans that would be stored in the rear of the building and that it would be collected in a timely fashion. We will make sure that the cans are not located in front of the business all day, they will be situated at their rightful location(s) - Historical lighting components have been approved by the CAUD, we want to blend in with the city and the particular historical district.

VOTING

MOTION that the Planning Commission should be the lead agency for SEQR Review, and this action involves construction of a building which is less than 4,000 sq. ft of area, which is a type II action and no further environmental review is required.		
FIRST: Corcoran	SECOND: Seepersaud	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):
MOTION to schedule a public hearing at special meeting		
FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, DiFulvio, De Angelo, Priest, Seepersaud	NAY(S):	ABSTENTION(S):

PUBLIC HEARINGS & FINAL DELIBERATIONS

ADDRESS: 75 Court St		CASE NUMBER: PC-2022-0018
DESCRIPTION FROM AGENDA: Site Plan Review and special use permit for the establishment of a Cannabis Retail Business in an existing commercial tenant space in the C-2 Downtown Business District		
APPLICANT: Damien J. Cornwell REPRESENTATIVE(S): Damien J. Cornwell		
DISCUSSION POINTS: <ul style="list-style-type: none"> ▪ Applicant commented he acquired his official license to sell cannabis as well as passed inspection for this business on 2/07/23. ▪ Staff (Martinez) commented, County found no significant countywide impacts and we did not get any letters from the public 		
Public meeting was opened at 7:06 PM and closed at 7:06 PM as there was no public there to speak in favor / nor in opposition to the project		
VOTING		
MOTION that the requirements for the site plan review and special use permit have been met, therefore the application has been met and approved		
FIRST: Corcoran	SECOND: Weiss	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, Seepersaud, De Angelo, DiFulvio, Priest	NAY(S):	ABSTENTION(S):

ADJOURNMENT

MOTION to adjourn		TIME: 7:13 PM
FIRST: Corcoran	SECOND: Everyone	VOTE: Carried (7-0-0)
AYE(S): Corcoran, Weiss, Dziedzic, Seepersaud, Priest, De Angelo, DiFulvio	NAY(S):	ABSTENTION(S):